Nipped in the Budget *The Editors*

THE NEW REPUBLIC

A Journal of Politics and the Arts – February 5, 1972, 50 cents

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The President's Blockbuster

For nearly a decade, through three successive administrations, this journal has repeatedly, bitterly, opposed the policies and practices of our government in Indochina. We condemned the Kennedy administration for opening the door to US military intervention, the Johnson administration for monstrously widening the war, and the Nixon administration for not acting promptly when it first took office to make peace. What was done could not be justified by any moral imperative, specific congressional declaration, treaty obligation, or threat to the national security, and the consequences of our commitment to the survival of a series of "governments" in Saigon have been murderous for the peoples of Indochina, destructive of the good repute of the United States in the world, and subversive of domestic tranquility. That history can't be erased or excused. The most that can be hoped is, in Senator Muskie's words, "a new beginning." That is what the President's proposal of last week promises – the beginning of the end. Mr. Nixon's first step in that direction was his decision to set up a schedule for troop withdrawals. But...

(continued on page 5)

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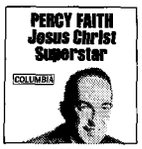

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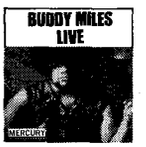

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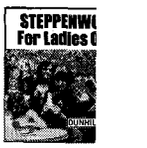

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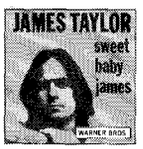

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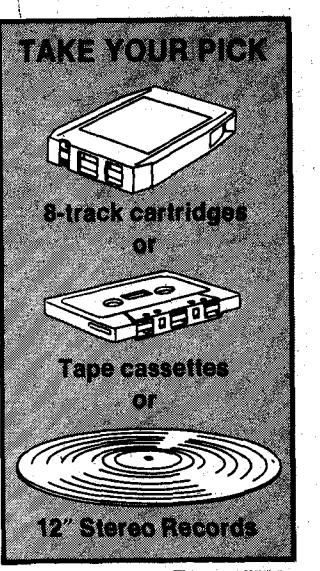

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TRB

from Washington ®

With The Fewest Scars Possible

We are prepared to believe that President Nixon wants to get out of Vietnam. He feels that he has made a generous offer in the terms of the secret negotiations with Hanoi which last week he revealed have been going on since 1969. The fact that at long last almost in despair he disclosed these negotiations indicates that there is small chance of their being accepted so long as General Thieu remains president. In fact we now know what we are fighting for; it is to preserve General Thieu, though he must run the seemingly small risk of a new election.

The difficulty is that North Vietnam, we imagine, has not the slightest confidence in the proposed democratic process of holding an election despite all the bait Mr. Nixon has spread around: Thieu's resignation one month ahead of time, participation by the Vietcong and impartial supervision. Yale political scientist Robert Dahl once observed that of 150 nominally independent countries in the world today the people in only about two dozen regularly exercise the right to free elections. We can't force the system on other nations, he argues. Certainly South Vietnam hardly appreciated it in the farcical affair where Thieu ran by himself; an instance of "one man, one vote" if we ever saw it.

Furthermore, the North Vietnamese probably believe that they are winning; that time is on their side; that the Americans are interlopers. They have the perverse notion that it is their country and that we have no business being there.

Yet it would be wrong, we think, for Hanoi to misinterpret the Nixon speech. Some of our friends here hate the war so much that they want the lesson against imperialism driven home by the abject defeat of America. This is a luscious morsel of I-told-you-so and revenge to roll over the tongue, but we can't buy it. We guess that Mr. Nixon's earnest, injured broadcast is going to mute some critics, and produce a substantial feeling of sympathy – for a time at least. We think the leaders of North Vietnam should appreciate this. They will make a mistake not to explore this possible opening or to ignore the fact that many Americans who loathe the war are not prepared to see their country humiliated. For Americans it is a question now, we think, of getting out with the fewest scars possible so that we can get back to our own agonizing internal problems.

Historian C. Vann Woodward once argued that America's long unbroken string of victories had produced two myths, the myth of America's invincibility and of American innocence. Yet what a difference for most of us 10 years of war in Vietnam have made. As for our innocence there is Mylai. As to our invincibility, it is a strange thought, the most powerful nation on earth now almost pleading with a little third-rate country, which we have been blasting for ten years, to please agree to a settlement! We want to depart, we want to end it, we want out. Give us our POWs for God's sake and let us go.

It is time to take some thought about what the war has done to us. Not merely all those lives lost and treasury spent – they are the brutal obvious costs. Some penalties have been less glaring – Mr. Nixon's $40 billion dollar deficit, for example, announced last week. And what caused the deficits and dollar devaluation? Primarily it was the war; inflation caused by the war, with inflation started by Mr. Johnson's failure to pay for the war with adequate taxes, because he thought he could win on the cheap.

In perspective the war is the longest America has ever fought and one of the most important in some of its consequences. It forced Mr. Johnson out of office, and probably defeated Hubert Humphrey, and has bedeviled Mr. Nixon for three years. More important are subtler developments, widespread alienation of youth, a greater than normal distrust of politicians, a loss of faith in the very instruments of government, a malaise, a sourness, a feeling that the nation is in great trouble, a questioning of democracy itself. A year ago a Gallup poll showed 73 percent of the public wanted troops out; there is no greater danger for the spirit than to go on fighting a war which the people think is wrong.

There is also the erosion of congressional power. This has been going on for half a century but Vietnam sped it up; it underlined the humiliating downgrading of the legislature; Congress was gulled into whooping through the Tonkin Gulf resolution; it was not consulted about the Cambodia invasion; it only learns now that for 30 months secret White House negotiations with the enemy have been going on. What does Congress count? It debates ineffective resolutions about ending the war by fixing a "date certain." Its job is to vote funds; not interfere.

The Vietnam war brought the famous 6-to-3 Supreme Court decision in the Pentagon Papers case; a decision that seemed to settle the right to publish for the time being but that left big issues unsettled that may rise in future crises.

The war brought notable statements, too: such windy comments as Mr. Johnson's in 1965, "No other people in no other time has had so great an opportunity to work and risk for the freedom of all mankind." And poor Hubert Humphrey in October, 1967, "The threat to world peace is militant, aggressive Asian Communism, with its headquarters in Peking, China."

American global evangelism is now at a discount but it was shared by the press and perhaps is responsible for the present latent isolationism that could be a major consequence of the war. The war brought from Mr. Nixon that tocsin announcement on the Cambodian "incursion": Tonight American and South Vietnamese units will attack the headquarters of the entire Communist military operation in South Vietnam. . . ." We never did find it.

Here is London correspondent Peregrine Worsthorne a year ago reporting from personal interviews with the President, "No wonder a mood of infectious optimism pervades the White House today . . . poised on the brink of succeeding in its long struggle." And here is columnist Joseph Alsop giving the good news, datelined Saigon, a year ago: "Hanoi's problems now appear so horrible that they are almost certainly beyond solution. . . ."

Well, well. We can tell our children about it. The myth of innocence and invincibility. Disruption of the 1968 Chicago convention. Repeated examples of civil disobedience. Catch words like Tiger Cages, Mylai, Lieutenant Calley, Kent State, Protective Reaction, Moratorium March, Body Count. Yes, as some cynic said, "Vietnam has given war a bad name."

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The President's Blockbuster

those bit-by-bit withdrawals were primarily a response to growing voter unrest at high American casualties; they dulled the pain at home but did not go to the root of the disease abroad. Moreover, coupled with "Vietnamization," partial disengagement could be read, and was, as signifying merely a tactical shift by the administration, which henceforth would fight the war by proxy: the dead would not be our dead, or at least not so many of them. Now, the President has gone beyond that. For the first time, publicly, he seems to be seeking realistically not only to get foreign troops out, but to set in motion political forces in South Vietnam which may make possible a cease-fire and a settlement of conflicting interests.

Item by item, there is little in the plan that has not been suggested before in some manner. It is the assembling of the items in this particular package, and the conciliatory tone of the whole that are noteworthy. Two key points ought to find favor among non-Communist Vietnamese critics of President Thieu, and in Hanoi and the National Liberation Front. The first is the categorical character of Nixon's offer to pull out. The threat, indeed the seeming inevitability, of a US residual force remaining in Vietnam for an indeterminate period is absent. Hanoi has been intransigent on this point, understandably so; for how, short of surrender, could it tolerate not only America's continuing provision of Hanoi's political enemy, but the support of that enemy by US air and naval power? The President has confronted that objection: "There will be total withdrawal from South Vietnam of all US forces and other foreign forces allied with the government of South Vietnam within six months of an agreement." The awkward question of how and when North Vietnamese forces are to pull back is wisely finessed both in the President's proposal and Mr. Kissinger's briefing of newsmen last week. As to whether any future government in South Vietnam might receive US military assistance, the President pledges nothing: obviously there will be no such aid if the then government does not want it – and there may not even be if it does. At any rate, "the political future of South Vietnam," Mr. Nixon says, "will be left for the people of South Vietnam to decide for themselves, free

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from outside interference." And that leads us to the second key point. Mr. Nixon is prepared to accept something other than the status quo in Saigon. No, he will not "overthrow our ally." But in effect, the President, as we read him, is ready to negotiate Thieu's exit and a transition toward a more accommodating coalition in Saigon. Thieu's willingness to resign prior to an internationally supervised new election is, as Henry Kissinger observes, "an important political fact." The US, Mr. Nixon says, "will support no candidate and will remain completely neutral in [that] election." The exact composition and effectiveness of the international monitoring he has in mind is a matter for further exploration, and it is vital. Certainly Hanoi will not put its faith in any election controlled by a Thieu apparatus without Thieu. It might, however, discern opportunities in Mr. Nixon's reference to representation in the election of "all political forces in South Vietnam, *including the National Liberation Front*." (Italics added)

There are two other parts of the package which deserve comment. The first is the recognition that any coming together of the two Vietnams is a matter for the Vietnamese alone to work out. Second, the President through Mr. Kissinger suggests that his six months' timetable for the withdrawal of US and allied forces and the release of all prisoners can be set in motion once "agreement in principle is signed."

In the light of past misdeeds and misrepresentations, we do not blame Hanoi for approaching any such peace initiative with suspicion. And if it finally rejects the plan as a basis for negotiations, the administration would still not be justified in prolonging the war or keeping up the savage bombardment of recent months, which is useless as blackmail and counterproductive if you're trying to get a settlement. Much depends on how specific proposals are interpreted at the bargaining table, and on the general attitude of the negotiators as they work their way through a complex agenda. Nevertheless, the President has produced a blockbuster that just might unblock the impasse in Paris. He is not serving an ultimatum; he offers a compromise to get the United States out, free the prisoners, and make way for new political alignments in South Vietnam. He will consider "alternatives to make it even more flexible." He's on the right track.

To Our Subscribers

Rising editorial, production and postage costs oblige *The New Republic* to raise its subscription rate. The increase is designed, as the Price Commission noted in approving it, "to provide the opportunity to break even." As of March 1, 1972, a one-year subscription will be $15 (32 cents an issue), and for students or members of the armed forces, $10 (21 cents an issue).

The Nixon Watch

For Future Reference

These notes on the President's secret effort to negotiate a settlement of the Indochina war set forth some points that it may be well to have in mind when the glow of initial surprise and approval wears off and a fuller record of the Nixon policy and performance is known.

All that is known at this writing is what the President and his agile emissary, Henry Kissinger, chose to tell last week. The first reactions of the Hanoi government and of its delegation at the Paris peace talks, which turn out to have been little more than propaganda-cover for the real negotiations, served to confirm the accuracy but not the adequacy of the Nixon-Kissinger accounts. Kissinger said that the story he told at two White House briefings and at a public press conference was not complete. At the press conference, when he identified himself as the "White House official" who had given the background briefings, he refused to give any account of the first six of his 12 secret meetings with the North Vietnamese in Paris on the ground that they were "not relevant to our present concerns." In denouncing Nixon and Kissinger for divulging "the contents of the private meetings," and in stating North Vietnam's objections to what the President called his and the Saigon government's latest "proposal for a negotiated settlement of the Indochina conflict," the Hanoi government and its Paris delegation struck precisely the attitudes that the President and Kissinger said they had encountered at the secret meetings and in other dealings with Hanoi and the National Liberation Front. But it was evident from the reactions to the President's disclosure that such issues as the postwar American presence in Southeast Asia were of more importance to Hanoi and the NLF than Kissinger said he had found them to be at the secret meetings and that the nuances of Communist resistance to the evolving US positions were more substantial than he indicated.

At one of the briefings that preceded the President's televised speech, it was said that Mr. Nixon was blowing the biggest secret of his administration "in order to force a negotiation and to bring about a response" from Hanoi. Kissinger, talking for the record the next day and obviously enjoying the attendant glory, relegated that explanation to its proper level and implied all there is to say about the primary reason for the disclosure when he said that the decision to make it was reached in late December, after it was evident that nothing was going to come of the secret negotiations before the 1972 session of Congress convened. "Composing domestic disharmony" over the continued war and averting a repetition of last year's debate with Democratic senators who were accusing the President of refusing to respond in a meaningful way to Hanoi's

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bargaining points were the reasons that Kissinger put first. He could hardly have been expected to say and didn't need to say that quieting domestic dissent in this election year and discombobulating most of the prospective Democratic opponents for the presidency was Mr. Nixon's principal purpose. Three other reasons mentioned by Kissinger amounted to one quite valid but admittedly secondary reason. It was that the differences between the President's public terms and his secret terms for ending the war put him at the mercy of Hanoi propagandists and their American dupes, encouraged continued criticism of his known policy and posture at home, and thereby encouraged the Hanoi leadership to believe that if it held out long enough the President would be compelled by domestic pressure to meet the Communist terms. Kissinger's statement that the decision to blow the great secret was reached in December raised an interesting though minor question about the timing of the disclosure. The effect of delaying it until January 25 was to obscure the news of two horrendous budget deficits in the current and next fiscal years and to black out, at least temporarily, further dissection of the Nixon role in the India-Pakistan conflict and its aftermath.

Kissinger and the President chose to begin their story of the secret road to the present Nixon posture with Kissinger's seventh meeting in Paris on May 31, 1971. The essence of what had passed in the previous meetings can be guessed from the known American position and the guidance that some White House reporters were getting (it can now be said) up to the time of the May meeting. The President had long since announced his readiness to accept the result of any reasonably fair and supervised election in South Vietnam, to let both the Hanoi government and the NLF participate in organizing and conducting such an election and to make any other political concession that in his view did not imperil the right of "the South Vietnamese people to determine their own future" and guarantee a Communist takeover of the Saigon government. If what I and other reporters were being told during this period was true, and I believe it was true, Kissinger's primary purpose in the meetings that occurred between August of 1969 and May of 1971 must have been to assure the Hanoi negotiators that the President was actually prepared to be more "flexible" than he felt it politically feasible to indicate in public. The Hanoi negotiators were asked to believe that all the President really demanded was a negotiated agreement which would permit the survival of a non-Communist government in Saigon – not necessarily the Thieu government – for a decent interval after an agreement was sealed. It was not enough; Kissinger was not believed and if he had been it still would not have been enough to satisfy Hanoi.

At the May 31 meeting, Kissinger offered for the first time to set a date for what he and the President regarded as complete withdrawal of American military forces from South Vietnam, "without any assurance of withdrawal by the other side," if Hanoi and the NLF would agree to a cease-fire throughout Indochina and promise to begin the release of American military and all other prisoners when the cease-fire took effect. According to Kissinger, the North Vietnamese responded that "any proposal that did not include the political element could not even be negotiated." At and during the period of subsequent meetings in June, July and August, the NLF published a seven-point proposal combining political and military "elements," the North Vietnamese produced a basically similar nine-point secret proposal, and Kissinger submitted a revised Nixon proposal that also combined political and military issues. In June, again according to Kissinger, "we accepted the nine (Hanoi) points as a basis for negotiation," thus doing what the President was accused in Hanoi and at home of refusing to do. In August, Kissinger set a dated deadline for completing American military withdrawal on August 1, 1972, *if* an overall agreement in principle to stop the fighting in all of Indochina and begin the release of prisoners was signed by or on November 1 of last year. At the last secret meeting on September 13, Nixon authorized Kissinger to shorten the interval between agreement and final withdrawal from nine to six months. On October 11, Nixon had Kissinger transmit but not convey in person Saigon President Thieu's offer to resign with his vice president a month before an agreed election under the auspices and supervision of an "independent" electoral commission whose makeup would be subject to further negotiation. Hanoi first agreed to and then, on November 17, cancelled a 13th secret meeting to discuss the last Nixon proposal. It was substantially similar to the 8-point proposal that Mr. Nixon announced last week.

The terms of the announcement elided an important element of this proposal. It was a proposal for not one but two agreements, first "in principle" to the eight Nixon points and later, at any time of Hanoi's choosing, a final agreement to be negotiated in detail. A cease-fire throughout Indochina and the release of prisoners would begin when the first agreement was signed and, along with American military withdrawal from South Vietnam, be completed within six months. The proposed election would occur within six months after the second agreement was signed, enabling Hanoi to postpone the election until all American troops were gone. A requirement for mutual withdrawal from Laos and Cambodia was implied but not rigidly stipulated in the Nixon draft. Hanoi's refusal to discuss the offered terms left the President in a position to say that it "must recognize the important difference between settlement and surrender." He implied but didn't say that his American critics and potential opponents must recognize the same difference. He's right.

John Osborne

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Nipped in the Budget

In considerable part, the new federal budget is an unimaginative document, steering the same middle course that has in the past effectively confounded the President's Democratic critics. It calls for substantial deficits – totaling $64.3 billion for 1972 and 1973 – but the conventional wisdom says that these are necessary to stimulate business activity. It provides modest increases for most "social" programs – welfare, social security, pollution control, education, health, civil rights and law enforcement. It even has a bonbon for unemployed engineers, physicists and the lagging aerospace industry with a smart rise of some $200 million in space research. There are no new programs of any quantitative importance, no new directions. All seems in order, all uninspired and generally anticipated, except for one luminous innovation: a surrender to the military.

What's so new about yielding to the military industrial complex? Defense appropriations normally rise from year to year, as predictably as the nation's population, whether Republicans or Democrats are in office. Normally – but not when a major war winds down! From their World War II peak of $74.7 billion in 1944, military expenditures dropped to $42.7 billion in 1946. In the Korean War they dropped steadily from $43.8 billion in 1953 to $35.8 billion in 1955. Now, although winding down of the Vietnam War, and conceivably ending it, has reduced the annual expense of that conflict by $20 billion, the President has paradoxically proposed a boost in appropriations for the armed forces of $6.3 billion. The defense budget for fiscal 1973 is set at a record $83.4 billion, almost twice its size of 10 years ago.

More than ever the Defense Department has been permitted to reinforce its own built-in growth generator. Year after year the nation has tolerated appropriations of $7 billion to $8 billion for "research, development, test, and evaluation"; and year after year, like the model changes of Detroit, these investments yield new fashions in destructive techniques. Currently we may look to new missile submarines and improved models in ships, planes and tanks that Defense Secretary Laird says will provide "the absolute minimum to safeguard our national security." In these plans the President assumes that an agreement will soon be reached with the Soviet Union to limit land-based missiles. All the more reason, don't you see, to expand our underwater strategic forces. Take it out of one military pocket and put it in another.

On the receipts side of the budget, the President proudly announced that "in 1973 individuals will pay $22 billion less in federal income taxes than they would if the tax rates and structure were the same as those in existence when I took office." It is his way, he explains, of reversing "the flow of power to Washington" and returning it to "the people"; his choice, "on which most Americans will agree," between "government spending and individual spending." But reducing taxes in the face of a bulging defense budget is also a guarantee that only token recognition, financially, will be given to the people's major problems, from urban decay and poverty to environmental pollution, crime, a collapsing transportation system and deteriorating education. And so it is; all receive tokens. The only major tax increase provided is in the regressive levy on payrolls, required to finance increases in social security benefits. The only major legislative proposals are renewed pleas for the largely discredited revenue-sharing plan and the flawed welfare reform bill, which is virtually certain to be significantly amended in Congress if not rewritten entirely.

But both President Nixon and Treasury Secretary Connally took great care to explain that the grand pattern of the budget was designed to stimulate business activity and reduce unemployment without provoking inflation. A budget in this sense is both plan and forecast, a disquieting observation when one recalls previous administration plans and forecasts. The celebrated "game plan," with which Mr. Nixon started his term of office, was supposed to bring full employment without inflation by the end of 1970. The wage-price controls of Phases I and II were supposed to bring inflation down to 2 or 2½ percent this year, though in the light of recent experience the President last week changed the forecast to 3¼ percent. In January of 1970 the President predicted a budgetary surplus of $1.5 billion for fiscal 1971, but this turned out to be a deficit of $23 billion. Last January a deficit of $11.6 billion was predicted for fiscal 1972, but now we are told it will be $38.8. We are also informed that the deficit for fiscal 1973 will decline to $25.5 billion, and that as a result of these astute stimulative measures the gross national product will rise to $1145 billion, $98 billion above the previous year. Until we read that last item in the President's budget message we had been reasonably confident of a modest upturn of roughly the same dimension, not enough to get the economy close to full employment, though just enough, perhaps, to quiet the nerves of business and the solid middle class. Now we're not so sure.

Cornucopious Subsidies

Almost $65 billion of federal red ink in two years may not be cause for alarm; after all, even at the end of fiscal 1973, when the federal debt may be near $371 billion, it will not be much larger in relation to the overall output of goods and services than it was in past years. But as Mr. Nixon's analysis shows, if the country is to undertake new domestic initiatives, more revenues will be needed if the budget is to stay on a

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keel acceptable to federal debt underwriters, the international economic community and perhaps the American public.

Higher taxes are probably needed, but not in the form of a national sales tax (or, more technically, value added tax) that has much support within the administration. More importantly, the present tax system needs overhaul. That is not a novel observation, but the Joint Economic Committee, under Sen. William Proxmire, has again opened our eyes to a possible path that would yield the Treasury billions more in revenue without raising taxes: eliminate or trim government subsidies. The committee staff says they cost the taxpayer at least $63 billion a year, and nobody in Congress or the executive branch has the foggiest notion what good they do. All we know for sure is that they benefit the rich more than the poor.

A subsidy might be defined to include not only direct federal payments to individuals such as farmers, but indirect payments in the form of tax deductions to homeowners for their real estate tax and mortgage interest payments. Under that definition, we all are subsidized to some degree or other. Our children get subsidized school lunches. Airport developers, oil drillers, businessmen who invest in new machinery, people who set up foundations, investors with capital in new machinery, investors with capital gains – all get subsidies. Even the guided tours at Hoover Dam are subsidized, because tour charges of about $149,800 a year are below the $228,000 it costs the government to keep the tours going.

The subsidy given homeowners who deduct from their income tax real estate taxes and interest payments on mortgages totals, according to Stanley S. Surrey, former assistant treasury secretary, $5.7 billion a year. Murray L. Weidenbaum, another former assistant treasury secretary, points out that federal credit programs amount to a $5-billion-a-year subsidy, because the interest rates the government charges to underwrite an ever-lengthening list of programs (everything from housing, health and education to transportation, farming and business) are lower than those charged in private markets. Federal contractors, particularly those in defense, are subsidized when Uncle Sam provides interest-free "progress payments" during production periods. Progress payments made by the Pentagon total around $10 billion, which represents a major portion of the contractors' working capital. Without interest-free taxpayer money, the firms would have to seek private financing, which of course, involves interest.

Proxmire says subsidies represent "one of the most controversial, complicated and neglected areas of government activity . . . [and] are the dominant form of government intervention into the incentive structure of particular private markets." There are tax breaks and incentives to fish farms, irrigation systems, rural phone service and commercial aviation. The government helps airplane manufacturers sell abroad, despite the fact that the United States has a virtual monopoly on commercial aircraft and the planes could be sold easily without tax incentives. The word subsidy rarely, if ever, appears in the federal budget. Other labels are used: aid, tax incentive, loan or supply assistance, tax credit.

Surrey says "the major part of the permanent changes in the 1971 tax law – both as to revenue and space in the law – involved new subsidies." Among them he lists restoration of the seven percent investment credit, faster depreciation schedules, preferential treatment of income for exporters, a large increase in child-care income tax deduction, tax credit to employers who hire government-trained workers and a tax credit and deduction for political campaign contributions. Surrey calls the 1971 tax law "one of the least creditable revenue measures in many a decade and one that considerably weakens the fairness and structure of the income tax."

Poor and lower-income families do, of course, benefit from certain subsidies: school lunches, food stamps, certain welfare payments. But they are in no position to take advantage of the host of subsidies available to the wealthy or even the middle class. Not all subsidies are bad, but until now no study has been made on which are in the public interest and which aren't. Surrey's conclusion is that "What is needed are research in some areas, the exercise of responsibility by the administrative agencies involved in other areas, leadership toward reform by the Office of Management and Budget and the Treasury, and political will to reform on the part of legislators."

Tough Talk

Washington has a new "tough" policy toward countries that expropriate property owned by American citizens without making fair compensation. The President on January 19 said that offenders can assume the US will cut them off without a dime "unless and until it is determined that the country is taking reasonable steps to provide adequate compensation or that there are major factors affecting United States interests which require continuance of all or part of these benefits." Moreover, Washington will use its voting powers in the Inter-American Development Bank and World Bank to oppose loans to countries that ignore its warning. Mr. Nixon would exempt, however, humanitarian assistance, such as earthquake and famine relief. Nor does he propose to cut off funds already obligated.

The policy is a compromise between hardliners in Congress and the Treasury and State Department advisers who want the President to be discreet in

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determining whether to reduce or terminate aid.

Under existing law, notably the Hickenlooper Amendment to the Foreign Assistance Act, the President is required to stop all foreign aid to any country that seizes US-owned property without promptly and fully compensating the owners. The amendment has been ineffective and the mere threat, in Latin America, has produced resentments that poison relationships.

A number of Latin American governments have yielded to internal nationalist pressures and have expropriated US holdings. The notable recent example is Chile's takeover of the huge copper-mining interests of Anaconda and Kennecott. Chile refused compensation on the grounds that the companies owed $774 million in excess profits taxes, computed back over a 15 year period. Peru, Bolivia and Ecuador have also made substantial uncompensated seizures.

Why did the President make a formal announcement in such deliberately strong tones? After all, he can get his message across by simply having the State Department sit on the aid paperwork. The President evidently believed that while a strict application of the Hickenlooper Amendment would be futile, something had to be done to discourage the spreading habit of uncompensated expropriations. He also doubtless wants to head off more stringent retaliatory measures in the Congress.

It won't be a popular policy in Latin America, which has been waiting for something better from Washington. The one commitment Nixon has made to the Latin American nations, last April, to extend trade preferences to them, has never been acted on. Treasury Secretary Connally spoke for the administration when he said that "the US can afford to be tough with Latin America, because we have no friends left there anymore." Connally is wrong. But the statement has the ring of a self-fulfilling prophecy.

Which Mississippi?

Two rival factions of the Democratic Party of Mississippi have set out on separate paths to Miami and the national convention. The Loyal Democrats led by Aaron Henry and Charles Evers is the party officially recognized by the national convention in 1968 and, barring some compromise before July, they are assured of again receiving accreditation. The white dominated "Regulars" control virtually all state offices, however, and enjoy all the perquisites of a party recognized by Mississippi state laws. Late last month, the two groups held competing sets of precinct meetings to select delegates to what will almost certainly be separate county conventions.

The new governor, William L. Waller, calls himself a national Democrat and wants to join Reuben Askew, Jimmy Carter, Dale Bumpers and the other symbols of "the New South." He does not want to go to Miami looking like his predecessor, John Bell Williams, the man who got tossed out of Chicago. There is still some willingness to talk compromise, but the Loyalists have taken elaborate steps to protect their national party credentials, and are only prepared to listen to bargains that include a large measure of control over local political affairs, and assurances that the regulars will fully support the national ticket.

Events leading up to the rival precinct meetings indicate that compromise will be difficult. Despite prodding from National Party officials, Governor Waller declined to meet with Aaron Henry, and Mississippi Attorney General Summer granted the Regulars and denied the Loyalists the right to use official precinct polling places for their meetings. The racial balance of the precinct meetings proved that the Loyalists are still largely black and the Regulars still almost totally white. The distance between the two groups is revealed in the remark of Leon Bramlett, chairman of the state executive committee of the regular party. "If it weren't for the Democratic congressional delegation from Mississippi, I'd rather be a Republican."

Bedfellows

Banding together in a court test to challenge the Feb. 2 deadline for filing delegate slates in Ohio are supporters of ex-Sen. Eugene McCarthy and Sen. Henry M. Jackson, (D, Wash.), who have been trading barbs for the past several years, and the Center for Political Reform, an operation designed to keep the nominating processes as open as possible.

Black Hopes

The Black Congressional Caucus expects its numbers to be increased by as many as four or five as a result of redistricting following the 1970 census.

In Ohio, a new districting map made Rep. Louis Stokes (D) safe, whereas earlier plans cut his district into ribbons. In Chicago, Mayor Daley's slatemakers opened the way for the West Side district of Rep. George Collins (D) to remain black by putting Rep. Roman Pucinski (D) in the Senate race and moving

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Rep. Frank Annunzio (D), who was thrown together with Collins, in Pucinski's old district. There is talk of an anti-Daley slate of blacks in the district, raising new problems for Collins. But it would still be a black seat. In St. Louis, Rep. William Clay (D) has unresolved districting problems and is vulnerable.

In California, a new district was carved out that is 48 percent black and in which state Rep. Yvonne Braithwaite (D), a black, is expected to be a strong candidate. In Houston, Tex., the new 18th district is ready-made for a black candidate and was not altered significantly when the court redrew the lines chalked out by the legislature. At least two strong candidates – state Sen. Barbara Jordan and state Rep. Curtis Graves, both Democrats, will compete for it. In North Carolina, Orange County (Chapel Hill) was removed from a liberal enclave (Raleigh-Durham-Chapel Hill) and placed in the Second District now represented by Rep. L. H. Fountain (D), a white conservative now serving his 10th term. The new district is 40 percent black with several predominantly black rural counties. Mayor Howard Lee, the black mayor of Chapel Hill, will challenge Rep. Fountain in the primary, hoping to put together the heavy black vote in the rural areas with the academic vote in Chapel Hill to win. It was the academic vote that put him in the mayor's office.

Black leaders are also eyeing Atlanta, which was split up three ways by the legislature to prevent the election of a black candidate; New Jersey, where there is heavy pressure on the legislature to create a contiguous, predominantly black district in Newark and East Orange; and Tennessee, where preliminary plans would consolidate the heavy black vote in Memphis in one district and open the way for a strong challenge to Rep. Dan Kuykendall (R) by a black candidate.

Under Thirties

The Muskie organization in Ohio is bragging about two of the "under 30" delegates on its at-large slate. One is Myron Dale, son of Francis L. Dale, president and publisher of the Cincinnati *Enquirer* and chairman of the Citizen's Committee for the Reelection of President Nixon. The other is Ronald A. Hooker, 19-year-old mayor of Newcomerstown, Ohio. Hooker says it was Muskie's appearance on "Meet the Press" on Jan. 16 that convinced him. That performance was generally panned by the press.

Right On

No Republican can be elected President if he is thought to be the creature and custodian of right-wing conservatism. It did not take the demolition of Barry Goldwater in 1964 to prove that. The Nixon administration understands that it can win reelection only if the incumbent is widely enough regarded as a man in the middle, and not an extremist. That moderate image is bolstered by attacks such as that of Rep. John Ashbrook (R, Ariz.) who condemns the President for his "flight from conservative principles." It is bolstered by the National Committee of Republicans for Victory in '72, which is distributing nationwide a letter berating Nixon for policies the majority of the country likes: an adequate defense rather than military "superiority," freedom from fear of an unbalanced budget, and an end to the no-China policy. If Mr. Nixon did not have these troglodytes nipping at his heels, he would have to invent them, for without them he would seem more of a conservative ideologue than he does, or is.

Hughes for Muskie

Sen. Harold Hughes (D) of Iowa made his decision to endorse the Muskie candidacy suddenly. In mid-January he boarded a plane for Florida and en route was handed a copy of *The Washington Star* containing a poll showing Wallace leading in Florida, Humphrey second and Muskie third, with McGovern and Lindsay at the bottom. Hughes spoke in four places in Florida, everywhere picking up reports of growing Humphrey strength. On his return to Washington, he went over the situation with aides and decided to act. His rationale: Nixon must be beaten, the stronger candidate of the two (Muskie and Humphrey) would be Muskie. Why not McGovern? Hughes reasons that he gave McGovern a clear field on the party's left six months ago, and McGovern only moved up one percent in the polls (more recent polls show that strength less than it was a year ago).

His endorsement didn't help Muskie much in Iowa. A McGovern tally, with 50 percent of the precinct caucuses in, showed Muskie with 34 percent, McGovern with 28 percent, uncommitted with 34 percent and "others" with 4 percent. Hughes aides hope the Muskie figure will rise to 40 percent in the end. Hughes didn't meet with Muskie ahead of time to ask for any concessions or bargain for the vice presidency. Of the vice presidency, he says: "I'm not after it but, if he asked me, I'd take it because of the role it would give me in setting national policy."

Clearcutting the National Forests

Lumber Lobby

Fortunately for the conservationists, and not so fortunately for timber companies, the US government owns a large chunk of the unexploited land in this country, including 28 million acres in the National Park system and 187 million acres in the National

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Forest system. About half the land in the National Forests has been judged fit for commercial logging, and each year the timber companies are allowed to enter the federal reservations, cut and carry off a limited amount of wood. The arrangement suits the industry because it provides a reliable source of cheap timber, and it suits the government because it earns about $300 million a year and keeps down the price of lumber.

The "allowable cut" that timbermen can take each year from National Forests has risen from 5.6 billion board feet in 1950 to an estimated 13.8 billion in 1972. The Forest Service, which administers the system for the Agriculture Department, has gone along with a presidential task force estimate made in 1970 that the National Forests will have to allow an increase of 7 billion board feet to be cut annually by 1978.

Meanwhile, the effort to reforest the public lands hasn't moved as rapidly. The Forest Service calculates a backlog of 4.8 million acres that need to be reseeded, 9.1 million acres that need thinning, and 4.3 million acres that need clearing to encourage young trees. Although the Forest Service says that improved cultivation methods have made it possible to regenerate forests quicker than before, the evidence doesn't justify the enormous increases in the allowable cut that have been announced since 1950.

As the allowable cut increased, logging companies began to make greater use of a method called clearcutting in which whole sections of forest are leveled, the valuable trees hauled away, and the remains piled up and burned. In its effects, it's about the same as a forest fire. Previously it was used chiefly to control fires and block the spread of insects and other tree-killing blights. Clearcutting is now a standard logging method on 39 percent of the eastern National Forestland that is cut each year, and on 30 percent of the western land. In Alaska all harvesting in the National Forests is done by clearcutting.

Although conservationists were trying to make the public aware of what was happening in the National Forests during the '60s, they couldn't cite an authoritative review of clearcutting until Dean Arnold Bolle of the Montana School of Forestry issued a report he prepared for the Senate Interior Committee in 1970. Based on his study of the Bitterroot National Forest (BNF) in Montana, he concluded that "quality timber management and harvest practices are missing. Consideration of recreation, watershed, wildlife and grazing appear as afterthoughts. The management sequence of clearcutting-terracing-planting cannot be justified as an investment for producing timber on the BNF." He suggested that the Forest Service had mismanaged timber cutting in the Bitterroot forest because over the years it had become indifferent to the public and focused almost exclusively on the production of timber. The Multiple Use Act of 1960 requires the Forest Service to administer the forests for "outdoor recreation, range, timber, watershed, and wildlife and fish purposes." The kind of clearcutting in Bitterroot, Bolle said, didn't serve the public in any of these areas; it served only to get the lumber out.

Since then, hearings in the Public Lands subcommittee of the Senate Interior Committee have stirred enough controversy so that the Forest Service has issued its own report. It quietly admits that "a number of problem situations" have developed, and that "Forest Service sensitivity to esthetic values in planning and executing timber harvests, road construction, and site preparation" must be increased. The report says the Forest Service must take greater care in deciding whether or not to allow clearcutting in every case.

It's difficult to tell whether this self-criticism, mild as it is, will bring about any tangible change in Forest Service policy. When asked what the Service has done to establish standards on clearcutting, a spokesman in Washington merely rattled off the terms used in the report: regional directors will be "more sensitive to environmental and esthetic needs," they will "continue to develop" reforesting methods, they will be "more aware" of the public's interest in the National Forests. The Service retains basic confidence in its old method of evaluation and shows scepticism for recommendations from outside. The same men will be directing commercial logging in the forests, and they'll have no new guidelines on clearcutting other than the exhortation from Washington to become "more sensitive."

A small confrontation over the timber issue occurred at the Agriculture Department this January, indicating that timber companies intend to keep the greatest possible pressure on the government to avoid a restriction on clearcutting. The President's Council on Environmental Quality had written a tentative executive order requiring the Bureau of Land Management and the Forest Service to come up with a set of guidelines on clearcutting after a year's study. The proposed order suggested that clearcutting should be banned on steep slopes, around lakes and streams and other sites of "great natural beauty." Perhaps the CEQ thought that by issuing a directive, the President would be able to steal the initiative from Congress, where three major bills to improve the National Forests are now pending. The idea was short-lived. Although the CEQ's plan was only a tentative suggestion, the timber lobby jumped to the attack within hours after it had been forwarded to the Departments of Agriculture and Interior. After three days, the administration withdrew, saying the Forest Service already had clearcutting under review and was capable of enforcing its own decisions.

In the past, the Forest Service has been sympathetic to the industry's argument that a restriction on clearcutting would 1) create a lumber shortage 2) drive prices up 3) put people out of work and 4) defer

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sound economic and scientific judgments to a frivolous attachment to wilderness. The economic argument isn't entirely convincing; after all, the US exports more than 4 billion board feet each year, equal to about one-third the volume taken from the National Forests. And the esthetic value of virgin timber isn't something lumber companies should be allowed to judge. It's true, however, that a severe reduction of clearcutting would make lumber more expensive.

Like many environmental issues, clearcutting may pose a choice between cost and quality: in this case, between cheap lumber and beautiful forests. In view of the timber industry's influence in the Forest Service over the last 20 years, it would be well to have an outsider try to balance the competing claims on the National Forests.

Eliot Marshall

Not This War-Powers Bill

by Arthur Schlesinger, Jr.

Since readers of *The New Republic* may not have seen the piece in *The New York Times* that provoked Alexander M. Bickel's rejoinder in these pages ("The Need for a War-Powers Bill," January 22), perhaps I may be permitted a few words of response. I recognize that Professor Bickel, McGeorge Bundy, Henry Steele Commager, George Reedy and other weighty fellows have testified for the Javits-Stennis bill and that most liberal, as well as many conservative, senators have endorsed it. And of course I entirely share the objective of the sponsors of the bill. I too want to end presidential invasion of the congressional power to declare war and to reclaim for Congress the role assigned to it by the Constitution. But I continue to doubt – along with Benjamin V. Cohen, George W. Ball, Jonathan B. Bingham and others equally devoted to this objective – that the war-powers bill in its present form is the way to go about it.

The bill limits the President's power to order military action in the absence of a congressional declaration of war to four and only four static categories (and further provides that action taken within these categories must be brought to an end after 30 days unless Congress enacts positive legislation to authorize its continuance). Mr. Bickel, invoking the "experience of two centuries," asserts that the four categories embrace "the sort of emergencies in which a purpose to use force automatically and take the consequences can be imputed to our people" and adds that any "other circumstances that anyone can now imagine either allow time for speedy congressional action, or do not present themselves as obviously calling for the use of force." Should some unforeseen contingency arise, then, he consolingly suggests, the law could be "easily changed to accommodate later experience."

Professor Bickel knows infinitely more law than I do, but perhaps less history. The "experience of two centuries" hardly justifies his claim that the four categories in the war-powers bill embrace all relevant emergencies. Let us look at only the more recent examples. The situtation that led Franklin D. Roosevelt to order military action in the North Atlantic in 1941 is not covered by the bill; and Professor Bickel himself concedes that, had the bill then been in effect, it "may be true" that Congress would not have sustained the shoot-on-sight policy. Nor, as Congressman Bingham has pointed out, would President Truman's response to the invasion of South Korea in 1950 have been permitted by this bill. Nor, as Professor Bickel's colleague Eugene V. Rostow has reminded me, would President Kennedy have been able under this bill to place a quarantine around Cuba in 1962. Nor, as Congressman Bingham has further suggested, would the bill allow a quick presidential response to a sudden Soviet-Arab attack on Israel. And I do not imagine any President confronted by emergencies for which the war-powers bill makes no provision would be greatly consoled by Professor Bickel's assurance that Congress might at some later time modify the restrictive clauses.

Not only would the war-powers bill have thus prevented what I at least would consider the wise exercise of presidential powers in emergencies it neglects to

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provide for; but it would not, in my judgment, have prevented the foolish exercise of presidential power in the case which it is presumably above all designed to meet—that is, the Vietnam War. Professor Bickel rather loftily dismisses the proposition that, because the Senate passed the Tonkin Gulf resolution with two dissenting votes, one might conclude that Congress would have endorsed the continuation of hostilities at 30-day intervals under the terms of the war-powers bill. I can only suggest that he has forgotten what Congress was like in 1964, or in 1965, or in 1966, or in 1967; again he is perhaps a better lawyer than an historian. He might refresh his memory by reading the useful piece by John Rothchild, "Cooing Down the War: The Senate's Lame Doves" in the *Washington Monthly*, August 1971. The notion that members of Congress in these years would have defied Lyndon Johnson, the then revered General Westmoreland, the press (including, then, *The New York Times* and *The Washington Post*), patriotism and the flag by refusing to authorize the continuation of hostilities boggles the imagination. It is about as conceivable to suppose that, hand in hand, they would have jumped off the Capitol. Had the war-powers bill been in effect, which thank heaven it wasn't, all it would have done would have been to dig Congress in deeper, ratify indelibly its complicity in the escalation policy and make it harder for it to reverse itself today. And even today, after the war has lost its magic, Congress has not taken the action Professor Bickel seems to think it might have taken when the hawks were flying high.

The war-powers bill in its present form, so far as I can see, would have prevented Presidents Roosevelt, Truman and Kennedy from serving the national interest and would not have prevented President Johnson from wrecking the national interest. This hardly seems a sensible result; nor can one be much moved by Professor Bickel's uncharacteristic hyperbole that "to argue from the unforeseeable in this instance, as Mr. Schlesinger does, is to suppose the bankruptcy of the attempt to rule by law, and the necessity of submitting ourselves to the discretionary rule of the men we elect." Really! Did no one at the Harvard Law School ever tell Professor Bickel about Reed Powell and the "parade of horribles"?

Obviously I am not against the attempt to deal with this situation by law. I am only against the attempt to deal with it by bad law—by law that will not achieve its alleged purpose and will, along the way, create trouble and risk. The restriction of presidential action in the absence of a congressional declaration of war to four categories that would have stopped aid to England in 1941 and to South Korea in 1950 and would have tied our hands before Soviet nuclear missiles in Cuba is only one folly the bill commits. Another is its reliance on a 30-day theory of congressional veto. Thirty days introduces a comforting note of precision; but, if one applies the theory to historical circumstance, its efficacy becomes doubtful. When, after all, do hostilities begin? To be specific, what was the date marking the end of the first 30 days of our military action in Vietnam? In addition, when the date on which action begins can be clearly identified, the first 30 days thereafter are inevitably the period when the President who orders the action overwhelms Congress and the press with his own rendition of the facts and his own interpretation of the crisis (especially when emergency deprives the country of the opportunity for prolonged and intensive debate of the sort that took place in 1939-41). It generally takes more than 30 days for other facts to emerge and other interpretations to gain a hearing.

Suppose one dropped the misbegotten effort to limit in advance occasions in which the President can act without a declaration of war, and suppose one dropped the 30-day rule, would we not be better off? The war-powers bill, divested of these excrescences, contains some usable ideas. It provides, for example, for periodic written reports from the President about the status and prospects of the hostilities he has initiated. It provides for congressional authority to terminate such hostilities by joint resolution or statute. Building on these ideas, Congressman Bingham, in intelligent though evidently unavailing testimony before the Senate Foreign Relations Committee, has proposed what would seem a much simpler and more effective approach to the problem.

Congressman Bingham suggests that the authority to carry on hostilities without a declaration of war should continue only as long as the President has at least tacit approval of both houses of Congress. Citing the Executive Reorganization Act as a precedent, he would give either house of Congress power by resolution to terminate hostilities. Any resolution of disapproval, if sponsored by one-third of the members of the body in which it originates, would go to the floor in 24 hours, become the pending business and be voted upon within three days.

If something like this had been in effect in 1848, it would have terminated the Mexican War (unless it would have brought enough administration supporters to the floor to defeat the resolution, passed by four votes in the House of Representatives, that pronounced the war "unnecessarily and unconstitutionally begun by the President of the United States"). If it were in effect now, it could be a means of terminating the Indochina War without requiring Congress to regurgitate the repeated authorizations it would surely have made under the war-powers bill. Will Senator Javits or Professor Bickel or someone not tell us why this approach would not do everything their bill promises to do without creating the hopeless rigidities their bill must inevitably create?

Professor Bickel replies in the Correspondence section in this issue.

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Reconciliation, Not Retribution

Universal Amnesty

by James Reston, Jr.

Amnesty for Vietnam resisters has suddenly become a live issue. The reasons for that are evident: Nixon says we're in a defensive posture in Vietnam, where our effort can be supported by volunteers; voters are looking to a postwar presidency; the draft calls in the fall and winter have been minimal; and amnesty supporters have been hammering on the point that this is the only logical course to take after an immoral war. There has been national publicity: Mike Wallace badgering families and friends and fellow townspeople of refugees in Canada; *Time* calling for conditional amnesty; *Newsweek* doing a cover story and taking a poll indicating that 63 percent of the American people favor a conditional or general amnesty.

President Nixon, who in November clipped a startling, flat "No" to a question of whether he would consider amnesty, vacillated in his recent TV interview with Dan Rather, saying he intended to be liberal with amnesty once the war is over. Senator Muskie is talking vaguely about a "national objective of repatriating these young people under some conditions which we will have to work out," but bases his timing not even on the end of the war, but on the end of the draft! Even Senator McGovern, who was first of the presidential contenders to advocate amnesty, has failed to say specifically whether he favors a universal or a general amnesty law, and if his idea is for general amnesty, what conditions he favors. And the astonished refugee community in Canada is complaining that it has been made into a political football.

However, no one has done more to advance amnesty than the most unlikely advocate of all, Senator Robert Taft of Ohio. His Amnesty Act of 1972 will be the focus of the upcoming debate in Congress. At first glance, it would seem splendid that a conservative should be taking the lead, and no doubt Taft's move has created an instant constituency for general amnesty. Unfortunately, his bill avoids the central moral question: what is right and appropriate for the sponsor of an immoral war to do with those in flight from it?

What does Taft's bill say?

The price of repatriation for the evader is to be a three-year service (a) in the Armed Forces – that is to say, a denial of the purpose of exile – or (b) in Vista, VA or Public Health Service hospitals, or other unspecified federal service – a slur against Vista, as if the volunteers were the keepers of the poor, like the hospitals are the keepers of the sick. The alternative federal service is to be performed at the minimum pay grade and without eligibility for normal federal employee benefits. For the resister in jail, a plum is offered: he would be credited with up to two years of prison time to apply to his three-year service obligation. And for the deserter, as if conscientious flight once a person sees the horrors of our military and Vietnam policies from the inside is a higher crime, no provision is made. Taft feels normal military justice should take care of the deserters. Congressman Edward Koch of New York who is the longest-standing advocate of "options" for the exiles has offered a bill similar to Sen. Taft's, with the essential difference of a two-year instead of three-year alternative service. Congressman Koch dispenses with Taft's patronizing rhetoric about the "misguided victims of bad advice and poor judgment" but insists on the term "penalties."

The philosophy of retribution that underlies the Taft and Koch bills is based on two assumptions. First, universal amnesty (no penalty or condition for repatriation) would be unfair or disrespectful to the 55-000 American dead in Vietnam and the three million who served there. Second, universal amnesty would wreck the draft and the government would not be able to raise an army through conscription in future wars.

The first of these is the most galling, for it pits victims against victims. It is the Vietnam policy that has made casualties and mercenaries and POWs and jailbirds and legal evaders and exiles of an entire generation of young Americans. They are *all* casualties. But now, one victim, the Vietnam dead or the Vietnam returnee, is used against another, the refugee. Not that we should be surprised. Young soldiers were used against young protesters around public buildings in the mass protests of the late sixties and at Kent State. The POWs are used to justify a residual force of soldiers, which in turn insures the continuing captivity

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of the POWs. Is it any wonder that the whole idea of national service out of patriotism has been destroyed for a generation?

No one is asking the mass of Vietnam veterans if they want their sacrifices used in this manner. The point is somehow missed that young veterans groups are the most active antiwar element on campuses today, now that the threat of the draft has diminished. More relevant, it has been barely reported that veterans groups have been in the front of the budding amnesty movement. On Christmas eve, the 103rd anniversary of Andrew Johnson's Universal Amnesty Proclamation of 1868, young veterans from New York, Pennsylvania and North Carolina presented petitions for universal amnesty to the White House with nearly 35,000 signatures. Another veteran-sponsored petition for repatriation is circulating in Florida. These are the only popularly based amnesty petitions in circulation.

What motivates the antiwar zeal of these veterans? Their inside knowledge of what our policies have meant to the people of Asia has lead to rage over the efforts of the government and the press to sanitize the war news for the American people. They know that while they made a sacrifice of time and even lives, others of their generation made the moral point.

The second argument for repatriation penalties for exiles – that without penalties armies would be difficult to raise in the future – is debatable. It depends on how fresh the memory of Vietnam is. I, for one, hope that the memory of it never fades. For if Lyndon Johnson had thought it doubtful that he could have raised an army for the purpose he used it, his ambitions might have been checked. That he resorted to duplicity as evidenced by the Pentagon Papers, and thereby duped thousands of young Americans to join his army under false pretenses goes to the special bitterness of the veteran today. The memory of Vietnam might say to another generation that it is a duty of citizenship to decide conscientiously *beforehand* if the way it is asked to fight is just and consistent with basic American principles, and if it is not, to refuse to participate. The organization of the late thirties called "Veterans of Future Wars" might well be reactivated.

The Taft and Koch proposals are for domestic consumption, addressed to the Americans who feel some responsibility for the refugees, but who cannot face up to the bigger responsibility, in the Nuremberg sense, of what we have wrought abroad and at home by this war. The congressional proposals offer amnesty without accepting guilt. If none of the refugees returns to face Taft's harsh music, they can say, "We offered it to the bums, but they wouldn't take it. Tough luck."

If the guilt in Vietnam were conditional, then conditional amnesty, like Truman's after World War II, might be appropriate. But the national guilt is total in Vietnam, and if this country wishes to balance that record with positive acts, it must wipe the slate clean.

Universal amnesty is the only alternative consistent with true reconciliation. But it is also the only option that is likely to get the refugees back in force. They have made it very clear that they will accept no imputation of criminal guilt, and they shouldn't.

Herein lies a curious, but persistent misconception both at home and in Canada: That amnesty implies "forgiveness." In fact, it means "forgetfulness" coming from the Greek "amnestia." The distinction is vital to the refugee, for forgetfulness means the possibility of prosecution is forgotten, an exercise in legal bookkeeping. This concept is affirmed in the case of *US vs. Burdick* (236 US 79) 1915. Burdick was the city editor for *The New York Tribune*. He was brought before a grand jury and asked to answer questions regarding investigations of his paper concerning city frauds. He refused to answer on the grounds of incrimination, whereupon President Wilson granted him a pardon from criminal prosecution. Burdick refused the pardon, stating still that answers might incriminate him. He was thereupon charged with contempt. The issue was whether the acceptance of the presidential pardon implied criminal guilt. In overruling the lower court and setting Burdick free, the Supreme Court stated: "If it be objected that the sensitiveness of Burdick was extreme because his refusal to answer was itself an implication of crime, we answer, not necessarily in fact, not at all in the theory of law. It supposed only a possibility of a charge of crime, and interposed protection against the charge, and reaching beyond it, against furnishing what might be urged or used as evidence to support it."

Thus, amnesty means clearing the books of charges made or anticipated for war resistance, placing the burden on the bookkeeper, not on the accused. As I wrote in these pages last October, the books on war resistance, incarnating the elaborate system of spying on antiwar individuals, should be thrown away altogether anyway, because their existence is a violation of freedom of speech and their effect on intellectual inquiry has been devastating. It is no good to wipe the books clean for dissent in one era, only to begin to fill them again with dissenters from the next.

Taft's proposal or any general amnesty variation, of which there are bound to be many in the upcoming debate, does not meet the moral requirement of this country, nor will it induce the refugees to return. The American public has shown its capacity to evade responsibility in the Mylai case. If it insists on the Taft proposal, and if that becomes law, we will follow the course of the Reconstruction amnesties after the Civil War, finding out as Andrew Johnson did that his three general amnesty proclamations were unworkable and inappropriate to the overriding need: to bind the wounds of the country. He found that only universal amnesty would meet that need, but it took him three years.

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Who Gets What

Cutting Up The City Pie

by Frances Fox Piven

School closings are threatened, library services curtailed, subway trains go unrepaired, welfare grants are cut, all because local governments can no longer pay the bill. Yet for all the alarms, there has been no convincing explanation of just how it happened that, suddenly in the 1960s, the whole municipal housekeeping system seemed to become virtually unmanageable.

To be sure, there are several popular theories. For instance, the big cities are said to be unmanageable because the new mayors are too softheaded and liberal; or they are unmanageable because they have become too big, their governing bureaucracies paralyzed by sheer size; or as the professional analysts have it, because they have come to contain vast numbers of poor blacks who require large outlays of services, at the very time that the city's tax base is being eroded by the outmigration of the more affluent.

None of these explanations bear up very well under scrutiny. The fiscal crisis has hit most big cities, not just the handful where liberal mayors of the Lindsay model gained ascendancy. The precipitous rise in costs began in the 1960s when the cities were no larger than they had been for some decades. As for poor blacks, they began to pour into the cities during World War II and, if their needs were the cause of the cost crunch, why weren't these needs perceived for two decades? Moreover, aside from public welfare, most of the increases in expenditures did not go to blacks. Other groups, mainly the organized "producer" groups who depend on the public services for their livelihood – municipal employees, or building contractors, or health professionals who provide reimbursable services – reaped the lion's share.

What *was* different about the big cities in the 1960s, and accounts for the gains made by producer groups, was the collapse of traditional political relations. To understand this collapse, and how it led to the fiscal crisis, one has to first recognize the political uses of municipal services. In the era of the big city machines, political bosses maintained the allegiance of diverse groups by distributing public goods in the form of private favors. Today public goods are distributed through the service bureaucracies, and with that change, the process of dispensing public goods has become more formalized, the struggles between groups more public and the language of city politics more professional. But if the style has changed, the function has not. While we may talk about schools or the sanitation department as if they were politically neutral, these agencies yield up a whole variety of benefits, and it is by distributing, redistributing and adopting these payoffs of the city agencies that urban political leaders try to keep peace and build allegiance. In other words, the jobs, contracts, perquisites, as well as the actual services, of the municipal housekeeping agencies are as much the grist of urban politics as they ever were, and if there is a severe disturbance in the administration and financing of city services, the underlying cause is likely to be a severe disturbance in political relations.

Any number of circumstances may bring this about. Severe economic dislocations may activate classes which previously asked little of government, as in the 1930s. Or groups may rise in the economic structure, picking up political force and pressing new demands as a result. Or large-scale migrations may alter the balance between races or classes. As new groups acquire a measure of influence, established political relationships between political leaders and older groups become shaky. In the period of uncertainty that ensues, discontent is likely to spread, political alignments may shift and allegiances to a political leadership may become insecure. Periods of political instability, in short, nurture new claims and claimants, as happened in the cities in the 1960s.

If the service needs of the black poor do not account for our urban troubles, the political impact of the black migration probably does. The migration of large numbers of blacks from the rural South to a few core cities during and after World War II, leading many middle-class white constituents to leave for the

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surburbs, posed a serious challenge to urban political leaders, for new relations have to be formed with new constituents. But for a long time they resisted the newcomers, withholding the services, symbols and benefits that might have won the allegiance of blacks, just as the allegiance of other groups had previously been won. The very magnitude of the influx made the task of political integration exceedingly difficult. Between 1940 and 1960, nearly four million blacks left the land and, for the most part, they tended to settle in big northern cities; by 1960, blacks constituted one-fifth of the population of the 50 largest cities, and in the biggest cities the proportions were much greater. It is no exaggeration to say that the cities were innundated by sheer numbers. These lower-class blacks aroused ferocious race and class hatreds, especially among the white ethnics who lived in neighborhoods bordering the ghettos and who felt their homes and schools endangered. Race and class polarities worsened, and political leaders, still firmly tied to the traditional inhabitants of the cities, were in no position to give concessions to the black poor.

Not only was race pitted against race, class against class, but the changing style of urban politics made concessions a very treacherous matter. Just because the jobs, services and contracts which fueled the urban political organization were no longer dispensed covertly, in the form of private favors, but rather as matters of public policy, each concession was destined to become a subject of open political conflict. Mayors found it very hard to finesse their traditional constituents: new public housing for blacks could not be concealed, for example, and every project threatened to arouse a storm of controversy. Despite their growing numbers and needs, blacks got very little in the way of municipal benefits throughout the 1940s and '50s. Chicago, where the machine style was still entrenched, gave a little more; the Cook County AFDC rolls, for example, rose by 80 percent in the 1950s, and blacks were given some political jobs. But in most cities, the local service agencies resisted the newcomers. In New York and Los Angeles, the AFDC rolls remained virtually unchanged in the 1950s. In some places public housing was brought to a halt; urban renewal generally became the instrument of black removal; and half the major southern cities (which also received large numbers of black migrants from rural areas) actually managed to reduce their welfare rolls, often by as much as half.

Finally, when blacks entered the cities, they were confronted by a relatively new development in city politics: large associations of public employees, whether teachers, policemen, sanitation men, and the like. These groups had become numerous, organized and independent enough to wield substantial control over most matters affecting their jobs and their agencies: entrance requirements, tenure guarantees, working conditions, job prerogatives, promotion criteria, retirement benefits. When blacks arrived in the cities, local political leaders did not control the jobs – and in cases where job prerogatives had been precisely specified by regulation, did not even control the services – which might have been given as concessions to the newcomers. As a result, a large population that had been set loose from southern feudal institutions was not absorbed into the regulating political institutions of the city either. Eventually, that dislocated population became volatile, both in the streets and at the polls, forcing the federal government to play an unprecedented part in city politics.

More specifically, by 1960 the swelling urban black population had come to have a key role in national politics, especially presidential politics, and in the populous states with the largest number of electoral votes: California, New York, Pennsylvania, Ohio, New Jersey, Michigan, Massachusetts, Indiana and Missouri. It was the heavy Democratic vote in the big cities of these states, and especially the black Democratic vote in these cities, that gave Kennedy his slim margin. But urban blacks who had been loyal Democrats for almost three decades, had begun to defect even as their numbers grew, signaling that the municipal political machinery was not working. In 1952, 79 percent voted Democratic; by 1956, the black vote had slipped to 61 percent. Kennedy worked to win back some of these votes (69 percent in 1960) by taking a strong stand on civil rights in the campaign. But once in office, his administration backed off from supporting civil rights legislation, for that was sure to jeopardize southern support. Other ways to reach and reward the urban black voter were needed.

What emerged, not all at once, but gropingly, was a series of federal service programs directed to the ghetto. The first appropriations were small, as with the Juvenile Delinquency and Youth Offenses Control Act of 1961, but each program enlarged upon the other, until the Model Cities legislation of 1966. Some of these programs – in manpower development, in education, in health – were relatively straightforward, for all they did was give new funds to local agencies for jobs or services for the poor. Thus, funds appropriated under Title I of the Elementary and Secondary Education Act of 1965 were earmarked for educational facilities for poor children; the Medicaid Program enacted in 1965 reimbursed health agencies and physicians for treating the poor; and new manpower agencies were funded specifically to provide jobs or job training for the poor.

Other new federal programs were neither so simple nor so straightforward, and these were the ones which became the hallmark of the Great Society. The federal memoranda describing them were studded with terms like "inner city," "institutional change," "maximum feasible participation." The "inner city" was a euphe-

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mism for the ghetto, and activities funded under such titles as delinquency-prevention, or mental health, or anti-poverty or model cities turned out, in the streets of the cities, to look very much alike. *What* they looked like was nothing less than the old political machine. Federal funds were used to create new storefront-style agencies in the ghettos, staffed with professionals who helped local residents to find jobs, or obtain welfare, or deal with school officials. Neighborhood leaders were hired, named community workers or neighborhood aides or whatever, but in fact close kin to the old ward heelers, for they drew larger numbers of people into the new programs, spreading the federal spoils.

But federal spoils were not enough; what the new ghetto agencies had to offer was small and impermanent compared to ongoing municipal programs in education, housing or health. If blacks were to be wrapped into the political organization of the cities, the traditional agencies of local government, which controlled the bulk of federal, state and local appropriations, had to be reoriented to respond to blacks.

Various tactics to produce such reform were tried, at first under the guise of experiments in "institutional change." Thus, Washington officials who administered the juvenile delinquency program (under Robert Kennedy's direction) required as a condition of granting funds that local governments submit "comprehensive plans" for their own reform (*i.e.*, for giving blacks something). But the mere existence of such paper plans did not turn out to be very compelling to the local bureaucrats who carried out the programs. Therefore, as turbulence spread in the northern ghettos, federal officials tried another way to promote institutional change – "maximum feasible participation of residents of the areas and members of the areas and members of the groups served."

Under that slogan, the Great Society gave money to ghetto organizations that then used it to harass city agencies. Community workers were hired to badger housing inspectors and to pry loose welfare payments. Lawyers on the federal payroll took municipal agencies to court on behalf of ghetto clients. Later the new programs helped organize the ghetto poor to picket the welfare department or to boycott the school system. In other words, the federal government was forcing local government to do what it had failed to do. Federal dollars and federal authority were being spent to resuscitate the functions of the political machine, on the one hand by *spurring local service agencies to respond to the black newcomer, and on the other by spurring blacks to make demands upon city services.*

As it turned out, blacks made their largest tangible gains through the public welfare system. Total national welfare costs rose from about $4 billion in 1960 to nearly $15 billion in 1970. The big cities that received the largest numbers of black and Spanish-speaking migrants, and were most shaken by the political reverberations of that migration, also had the largest welfare budget rises. In New York, Los Angeles and Baltimore, AFDC rolls quadrupled, and costs rose even faster. Most of that money went to the newcomers, mainly because *other groups were not competing within the welfare system for a share of relief benefits.* But if blacks got welfare, that was just about all they got.

Less obvious than the emergence of black demands – but much more important in accounting for increasing service costs – was the reaction of organized whites, particularly those who had direct material stakes in the running of local services. These were the people who depended, directly or indirectly, on the city treasury for their livelihood: they worked in the municipal agencies, or in agencies that were publicly funded (such as voluntary hospitals); or in the professional services that were publicly reimbursed (doctors); or in the businesses that depended on city contracts (contractors and construction workers). Partly they were incited by black claims which seemed to threaten their traditional preserves. Partly they were no longer held in check by stable relationships with political leaders, for these relations had weakened or had become uncertain or turned to enmity. In effect, the groups who worked for or profited from city government had become unleashed, at the same time that newcomers were snapping at their heels.

The result was that the producer groups reacted with a rush of new demands. And they had muscle. Not only were they well organized, but they were often allied to broader constituencies by class and ethnic ties and by union affiliations. Moreover, their demands for increased benefits, whether higher salaries or lower workload or greater autonomy, were always couched in terms of protecting the professional standards of the city services, a posture that helped them win broad public support. Even when the organized producers backed up their demands by closing the schools or stopping the subways or letting the garbage pile up, many people were ready to blame the inconveniences on the politicians.

Local political leaders, their ties to their constituency undermined by population shifts and spreading discontent, were in a poor position to resist or temper these escalating demands, especially the demands of groups with the power to halt the services on which a broader constituency depended. So they tried to expand and elaborate the payrolls, the contracts, the perquisites and the services of the municipal agencies.

Education is a good example, for it is the single largest service run by localities, accounting for 40 percent of the outlays of state and local government in 1968, up from 30 percent in 1948. The huge expenditures are also potential benefits – jobs for teachers, contracts for maintenance and construction, and educational services for children – to be gained by different groups in the local community. Accordingly, the educational

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system became a main target of black demands, at first mainly in the form of the struggle for integrated schools. Later, worn down by local resistance, and guided by the Great Society programs that provided staff meeting rooms and lawyers to ghetto groups, the demands for integration were transformed into demands for "citizen participation," which meant a share of the jobs, contracts and status positions that the school system yields.

Boards of education began hiring more black teachers, and some cities instituted schemes for "community control," which ensconced local black leaders in the lower echelons of the school hierarchy. But the organized producer groups, whose salaries account for an estimated 80 percent of rising school costs, made far larger gains. Incited by black claims which seemed to challenge their traditional prerogatives and emboldened by a weak and conciliatory city government, the groups who depend on school budgets began to rapidly enlarge and entrench their stakes. Most evident in the scramble were teaching and supervisory personnel who were numerous and well organized, and became ever more strident – so much so that the opening of each school year is now signaled by news of teacher strikes in cities throughout the country. Threatened city officials strained to respond by expanding the salaries, jobs, programs and privileges they had to offer. Average salaries in New York, Chicago, Los Angeles, Philadelphia, Washington, DC and San Francisco topped the $10,000 mark by 1969, *in most instances having doubled* in the decade. Nationally, teacher salaries rose about eight percent each year since 1965. In addition, and often prompted by new black demands, the teachers exploited contract negotiations and intensive lobbying to win new guarantees of job security, increased pensions and "improvements" in educational policy which had the effect of increasing their own ranks – all of which drove up school budgets. Total national educational costs, which in 1957 amounted to $12 billion, were $40 billion by 1969. Blacks may have triggered a flood of new demands on the schools, but organized whites turned out to be the main beneficiaries.

What happened in education happened elsewhere. Costs rose precipitously across the board as mayors tried to extend the benefits of the service agencies to quiet discordant and clamoring groups. One way was to expand the number of jobs, so that there were more to go around. Hence, in New York City, the municipal payroll expanded by over 145,000 slots in the 1960s, and the rate of increase doubled after Mayor Lindsay took office in 1965. By 1971, one in nine of the city's residents, or 381,000 people, were on the municipal payroll. Total state and local government employment in the city rose from 8.2 percent of the total labor force in 1960 to 14 percent in 1970. A similar trend of expanded public employment was visible in other big cities. In Detroit, state and local employment rose from nine percent of the labor force in 1960 to 12.2 percent in 1970; in Philadelphia from 6.9 to 9.8 percent; in Los Angeles from 9.8 to 12.0 percent; in San Francisco from 12.2 in 1960 to 15.2 percent a decade later.

Another way to try to cope with the clamor was to concede larger and larger salaries, and more liberal pensions, to existing employee groups who were pressing new demands, and pressing hard, with transit or garbage or police strikes (or sick-outs or slowdowns) that paralyzed whole cities. In San Francisco a strike of 7500 city workers shut down the schools, the transit system, and several other services simultaneously. An unprecedented wildcat strike by New York's policemen, who were already the highest paid in the world, would have cost the city an estimated $56,936 a year for every policeman and $56,214 for every fireman, if the demands for salaries, pensions, fringe benefits and reduced work time had been conceded. If these demands were perhaps a bit theatrical, the actual pay raises for city employees in New York City averaged 12 percent each year in 1967, '68 and '69. Meanwhile, the earnings of health professionals in the city went up by 80 percent in the decade, at least double the increase in factory wages. Across the country, municipal salaries rose by 7 to 10 percent in both 1968 and '69, or about twice as fast as the Consumer Price Index.

In the era of the machine, political leaders had been able to anticipate or allay the claims of various groups, dealing with them one by one. Now each concession was public, precipitating rival claims, each demand ricocheting against the other in an upward spiral. In Detroit, garbage collectors allowed refuse to accumulate in the streets when the city offered them only a six percent wage increase, after the police won an 11 percent raise. In Cincinnati, municipal laborers and garbage collectors threatened a "massive civil disobedience campaign" when they were offered less than the $945 annual raise won by policemen and firemen.

Furthermore, unlike their machine predecessor, political officials could attach few conditions to the concessions they made. Each job offered, each wage increase conceded, each job prerogative granted, was now ensconced in civil service regulations or union contracts and, thus could not be withdrawn. The result was a virtual run on the city treasury.

Budget trends followed political trends. New York City, for instance, received about 1.25 million blacks and Puerto Ricans between 1950 and 1965, while about 1.5 million whites left. These shifts weakened the Democratic Party organization and resulted in the Lindsay victory on a fusion ticket in 1965. But the Lindsay government was unstable, without ties to established constituents, virtually without a political organization, and consequently, extremely vulnerable to the demands of the different groups, including the ghetto groups, whose support it was trying to culti-

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vate. New York also had very strong and staunch provider groups, as everyone knows from the transit, garbage, teacher and police strikes, each of which in turn threatened municipal calamity. The subsequent escalation of demands by blacks and Puerto Ricans on the one hand, and municipal employees on the other, produced the much publicized turmoil that wracked the city, and a city budget almost quadruple what it had been a decade earlier.

A few cities, where the existing political organization was firmly entrenched, were partly spared. Chicago is an example, and Chicago's political organization shows in lower municipal costs. Mayor Daley never lost his grip. With the white wards firmly in tow, he made modest concessions to blacks earlier and without fear of setting off a chain reaction of demands by other groups. And so he never gave as much, either to blacks or to organized whites. But most other large cities show a pattern of escalating discontent and escalating service budgets more like New York than Chicago. By 1970, the total costs of local government had risen about 350 percent over 1950. The mayors are unable to raise revenues to cover these soaring expenditures. One city government after another is rocking under the strain. Mayors are simply quitting, something that does not happen very often in American politics: Arthur Naftalin of Minneapolis, Ivan Allen of Atlanta, Carl B. Stokes of Cleveland, Jerome P. Cavanaugh of Detroit, and Richard C. Lee of New Haven. Those who survive the turmoil are shrill in sounding the alarm: they need money! Mayor Joseph Alioto of San Francisco said simply: "The sky's falling in on the cities; it really is, we've had six cops killed in San Francisco since I took office. We need jobs and money for the poor and haven't money for either. . . . We can't go on like this. Even the capitalistic system's not going to survive the way we're going." Kenneth Gibson, the black mayor of Newark: "If we had a bubonic plague in Newark everybody would try to help, but we really have a worse plague and nobody notices." Mayor Wesley Uhlman of Seattle said he was so busy putting out fires, he had no time to think about anything else. Moon Candrieu, the Mayor of New Orleans: "We've taxed everything that moves and everything that stands still, and if anything moves again, we tax that too. . . . The cities are going down the pipe, and if we're going to save them we'd better do it now; three years from now it will be too late." "Boston," said Mayor Kevin White, "is a tinderbox. . . . Armed camp. One out of every five people in Boston is on welfare." "You run as far as you can, but when you run out of gas you've got to stop," said Baltimore's Mayor Thomas J. D'Alesandro.

The fiscal crisis is indeed real – not because of mounting "needs" for services, but because of mounting demands for the benefits associated with the municipal bureaucracies. To block responses for lack of revenues is to block a process of political accommodation in the largest population centers of the nation. The defection of the mayors is another sign of how deep are the disturbances, not in health agencies or welfare agencies, but in the urban political structure. If mayors cannot resist the demands of contending groups in the cities, there are signs that the state governments can, and will. The fiscal interrelations which undergird the federal system, and leave the cities dependent on state (and federal) grants for an increasing portion of their funds, are also a mechanism by which state politics come to intervene in and control city politics, and that is what is now happening.

With their own taxing powers constricted from the outset, the mayors have had little recourse but to turn to the states for enlarged grants-in-aid, trying to pass upward the political pressures, usually summoning the press and the urban pressure groups for help. Metropolises like New York and Los Angeles now get roughly a quarter of their revenues from the state. But raising taxes in Albany or Sacramento to pay for politics in New York City or Los Angeles is no simple matter, for the state capitals are not as vulnerable as city halls to urban pressure groups, and are very vulnerable to the suburbs and small towns which are antagonized by both higher taxes and city troubles. Besides, the mass of urban voters also resent taxes, especially when their taxes are used to pay off the organized interests, without yielding visibly better

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services. Their reactions are now being felt in the taxpayers revolts taking place in state legislatures. And as the raucous legislative battles continue, it is becoming clear that the states are turning out to be a restraining influence on city politics, and *especially on ghetto politics.*

While in the main, state grants-in-aid have not been actually reduced, they have not been increased enough to cover rising city costs either, and the toll is being taken. Some municipalities began to cut payroll and services. By 1971, vacancies were going unfilled in New York City, Baltimore, Denver and Kansas City. San Diego, Cleveland and Washington, DC, reduced rubbish collection; Dallas cut capital improvements, Kansas City let its elm trees die; Detroit started closing park toilets. And some city employees were being dismissed in Los Angeles, Cleveland, Detroit, Kansas City, Cincinnati, Indianapolis, Pittsburgh and New York.

But the biggest cuts imposed by the states were in the programs from which blacks had gained the most as a result of their emergence as a force in the cities. Special state appropriations for health and education in ghetto districts have been sliced; nine states cut back their Medicaid programs; at least 19 states reduced welfare benefits by mid-1971 according to a *New York Times* survey. New state measures to root out "welfare fraud" or reinstitute residence restrictions or force recipients into work programs threaten further erosion of black gains.

The federal government is also becoming a restraining influence on city politics. In the early 1960s, the national Democratic administration had used its grants to the cities to intervene in city politics, encouraging ghetto groups to demand more from city halls and forcing recalcitrant mayors to be more responsive to the growing and volatile ghettos whose allegiance had become critical to the national Democratic Party. But a Republican administration was not nearly so oriented to the big cities, and least of all to the big city ghettos. Accordingly, the directions of the Great Society programs which the Nixon administration had inherited were shifted; bit by bit the new federal poverty agencies were scattered among the old-line federal bureaucracies, and the local agencies that had been set up in the ghettos were given to understand that confrontation tactics had to be halted. By now the Great Society looks much like traditional grant-in-aid programs; the federal fuel for ghetto agitation has been cut off. And new administration proposals for revenue sharing would give state and local governments firm control of the use of federal grants, unhampered by the "maximum feasible participation" provisions that helped to stir ghetto demands in the 1960s.

There are other signs. The wage freeze stopped, at least temporarily, the escalation of municipal salaries, and this despite the outcry of teachers across the country. Finally, and perhaps most portentous for blacks, the administration's proposal for "welfare reform" would give the federal government a much larger role in welfare policy, lifting the struggle for who gets what outside of the arena of city politics where blacks had gained some power and got some welfare.

Nor is it likely, were the Democrats to regain the Presidency and thus regain the initiative in federal legislation, that the pattern of federal restraint would be entirely reversed. The ghettos are no longer threatening to defect from Democratic ranks, and in any case, the cities are losing ground to the suburbs, even in Democratic calculations. A Democratic administration might be readier to refuel local services if only to respond to the growing strength of the national health and education lobbies. But it is not so likely to direct as much of these funds as it once did to the big cities, and it is very likely to impose conditions on the local use of funds which would restrain local pressure groups by curbing the discretion of local politicians.

What happened in the 1960s has happened before: the lower classes made the trouble, and other groups made the gains. In the United States in the 1960s, it was urban blacks who made the trouble, and it was the organized producer groups in the cities who made the largest gains. Those of the working and middle classes who were not among the organized producers got little enough themselves, and were made to pay with their tax monies for gains granted to others. Their resentments grew; now, to appease them, the small gains that blacks did make in the course of the disturbances are being whittled away.

There is, I think, an even more important truth, though one perhaps not so quickly recognized. These were the events of a political struggle, of people pitted against each other and against officialdom. But every stage of that struggle was shaped and limited by the structures in which these people were enmeshed. A local service apparatus that benefited some at the expense of others marked out group interests and set one group against another. Service structures that offered only certain kinds of benefits determined the agenda of group struggle. And a fiscal structure that limited the contest mainly to benefits paid for by state and local taxes largely succeeded in keeping the struggle confined within the lower and middle strata of American society. School teachers turned against the ghetto, taxpayers against both, but no one turned against the concentrations of individual and corporate wealth in America. Local government, in short, is important, less for the issues it decides, than for the issues it keeps submerged. Of the issues submerged by the events of the urban crisis, not the least is the more equitable distribution of wealth in American society.

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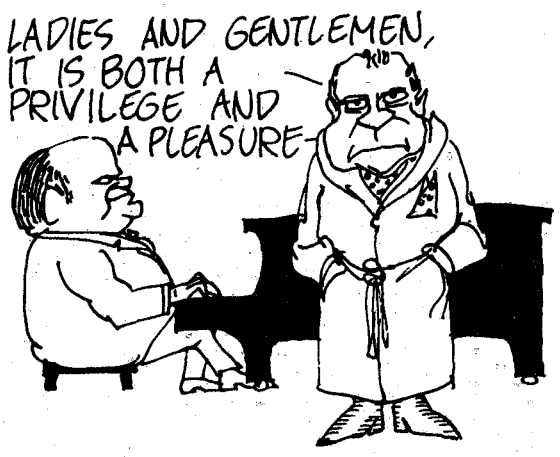

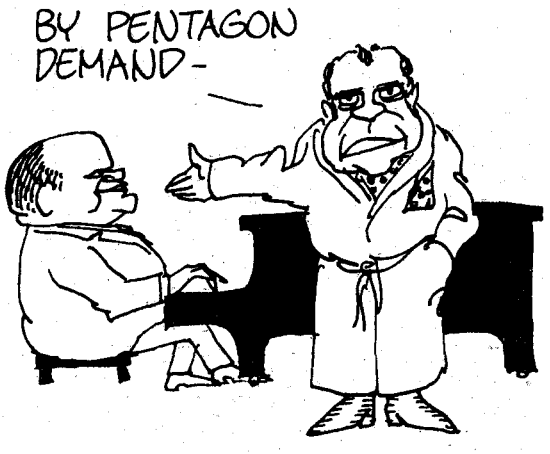

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Stanley Kauffmann on theater

Two Different Talents

The Ride across Lake Constance (Forum). Audience uproar at Lincoln Center. The press reported that preview audiences at this Peter Handke play hissed and booed and thumped their seats, and when Jules Irving, the artistic chief, made an appearance, he was forced into the lobby for a debate. The news cheered me up. Signs of life, in our town's largest anesthesia clinic!

I was even more cheered when I saw the play. It *is* disturbing and, for many, must be enraging. Not sexually: the sex content is very mild. Not politically or religiously: no overt mention of these matters. The rage doesn't even come from direct affront, as in Handke's earlier play *Offending the Audience.* It comes simply from his utter contravention of what an audience expects from a play.

Handke is Austrian, 29, a playwright, poet, and novelist, whose volume *Kaspar and Other Plays* marked for me the arrival here of an exceptional talent (*NR*, Feb. 28, 1970). These plays, and others, have had off-Broadway production since then, none quite adequate.

The title of this new play comes from an old German tale about a man who rides across the frozen lake at night, finds out later how thin the ice was, and dies retroactively of fright. So it connotes a person who has been in great danger and doesn't know it until afterward – until *words* make the danger, and kill him.

It's a long one-act play, set in a living room. Each of the eight actors is listed, at the author's direction, as playing himself. (Thus: "Kathleen Doyle. . . . Kathleen Doyle.") There is no story: a series of relations are established among people, then juggled, in brief sequences and fragments. Then it stops.

A cosmeticized middle-aged man (Stephen Elliott) is sleeping in a chair. A maid (Doyle) comes in, vacuum-cleans the whole room and plays a record, but he never stirs. He wakes when a younger man (Paul Hecht) enters, over whom he seems to have some domination. After a while another middle-aged man (Keene Curtis) comes in with two women in evening gowns (Salome Jens, Priscilla Pointer). Incidents, questions, objects are seized as means of conversation. (Hecht suddenly lifts a tea-pot; Elliott asks, "What are you trying to say by that?") Little "acts" are performed. One woman is whipped, playfully; the other goes to sleep. Toward the end two girls (the Howell twins) come in, do a symmetrical tap-dance routine, then disappear. The maid returns with a crying baby, which she takes to each person; the baby grabs the women's breasts and the men's genitals. She takes the baby out. Curtis leans over Jens, and the lights fade.

The first impression is that we are back at the Cabaret Voltaire in the Zurich of 1916 and the Dada theater is on again. But it's quickly apparent that nihilism is not the point: something is being *got* at. Not the absurdism of Ionesco (though platitudes are used pointedly), not Pinter's embodiment of the subconscious, not lack of communication in any *Weltschmerz* sense. It's the spirit of Wittgenstein, I think, that touches this play, as it touched previous Handke plays and other post-war German writers – the relation of language and reality. David Pears writes of Wittgenstein:

> . . . His aim was to understand the structure and limit of thought, and his method was to study the structure and limits of language . . . He wanted to discover the exact location of the line dividing sense from nonsense . . . The nature of language dictates both what you can and what you cannot do with it.

This is Handke's subject, I think. He is testing – with parodies and incongruities – the relation between what we present, in words and related actions, and what we contain: and how one affects the other.

Now, since he has chosen to do this in an art-form, the act of testing is not enough. The question arises, and *should* arise, "Is the play any good?" The honest answer is, "How can we tell?" An exploratory playwright requires flexible criticism. The hecklers, and the people who left the night I was there, were unwilling to examine the standards by which they were judging the play; but assuming that Handke is neither a fool nor a charlatan – and he is very certainly neither, in my view – then we serve ourselves by a willingness to respond.

He's neither fool nor charlatan because he quickly shows a power of selection, a sense that the pranks and nonsense arise from a mind that encompasses a good deal more than prankishness, that the foolishness has a consistency of texture and a purpose, that the abrasion of everything we expect in a play is not only deliberate (any idiot can be deliberately anarchic) but has an esthetic rationale. Handke is showing us that the way we expect plays to operate is tied to our con-

(continued on page 32)

Films Worth Seeing

Desperate Characters. Best film on this list. About today's ignored subject: the liberal middle class and *their* drama. Kenneth Mars (good) and Shirley Maclaine (OK) as beleaguered husband and wife. Frank D. Gilroy wrote and directed with impressive feeling.

The French Connection. Zow. Also pow. A thrilling thriller, about drugs in Marseilles and New York. Gene Hackman heads a perfect cast, William Friedkin cracks a mean director's whip.

The Hospital. George C. Scott gives guts to Paddy Chayefsky's juicy but jumbled script about merrily macabre medical mix-ups.

The Last Picture Show. Small-town Texas, 1951, and a youth's coming-of-age. The tone and intent are rather familiar, but most of the acting is good, and Peter Bogdanovich, the young director, was born to make movies.

Macbeth. Unexpectedly orthodox version by Roman Polanski. Unfulfilled because the Macbeths are slim and the text slashed, but many incidentals, like the witches, are good.

Sunday Bloody Sunday. Included here because of Glenda Jackson's performance and Penelope Gilliatt's dialogue. But the script doesn't do much more than describe characters, in this London hetero-homo triangle. John Schlesinger directs wetly.

SK

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Two Prophets Angry with Their Culture

The Making of a Radical: A Political Autobiography by Scott Nearing

(Harper Torchbook; $2.95)

The Ideological Imagination by Louis J. Halle

(Quadrangle; $6.95)

In quite different ways Scott Nearing and Louis Halle are prophets, and reading their prophecy has led me into a meditation on the prophet Jonah. Jonah was sent to prophesy against Nineveh, but he was reluctant to do so because he knew the Lord was softhearted and would probably let the Ninevites off. So he ran away, and it took three days' discipline in the belly of a great fish before he could be persuaded to deliver his message: "Yet forty days, and Nineveh shall be overthrown." To his great disgust the Ninevites actually listened; the king put on sackcloth and sat in ashes, the people turned from their evil way, and sure enough God repented and spared Nineveh. So Jonah went and sat in a booth outside the city, sulking and being angry with God.

The point of the story is that Jonah really wanted Nineveh to be overthrown. He thought the Ninevites had it coming to them, and he considered it unfair that their willingness to reform enabled them to escape the proper consequences of their misdeeds. So he reproached God, accusing him of being "a gracious God, and merciful, slow to anger, and of great kindness." Now theology, as Feuerbach was the first modern writer to point out, is often just an inverted and embellished anthropology, so that we can learn a lot about man's perception of his own condition by observing what he attributes to God. And the truth of Jonah seems to me to be that it does not necessarily take a disaster or a revolution to change the course of human events – that an intimation or a threat of these things may do just as well if it can be brought into people's awareness in time, that things are almost never as desperate as they appear, that it is a good deal harder than we often think to bring down collective ruin. The task of the prophet is therefore a thankless one – what he gloomily foretells may not happen, and to make things worse it may be just because he foretold it that it does not happen.

These reflections are provoked by an ambiguity of attitude in both Halle and Nearing. Do they really think that Nineveh, in its current avatar as Western civilization, is worth saving? Not that they are reluctant prophets whose opinion needed to be dragged forth by whales; neither of them has ever hesitated, as far as I can see, to publish anything he had on his mind. But the force of the message is not altogether clear in either case. It is prophetic all right, but the convinced hearer may be puzzled about what he is called on to do. Halle tells him that he is thinking badly, Nearing that he is living badly; but then for Halle the majority of men are incapable of thinking well even if they try, while the example of living well set by Nearing would tax the fortitude of a Trappist. One has the feeling that if civilization did collapse both writers would, in spite of themselves, take some satisfaction in the event; for Halle the rest of mankind would have received its intellectual, and for Nearing its moral, desserts.

That hypothetical difference of attitude sums up a sharp contrast of character. As they appear in these books, Halle looks like a snob and Nearing like a saint. Nearing is also a hero, a figure of genuine importance in the political history of twentieth century America. Quite apart from its prophetic tone, I recommend his autobiography as a splendid story of integrity and courage in the face of American rapacity and cynicism at its worst. The story includes a shameful chapter in the history of the University of Pennsylvania, which fired Nearing unceremoniously in 1915, apparently in a deal with legislators who wanted his agitation against child labor stopped if they were to vote for the University's appropriation, and another in the history of the Macmillan Company, which struck him off its list in 1919 after he had been tried for writing an antiwar pamphlet called *The Great Madness*. The account of the trial (in which Nearing was acquitted) is a brief but exciting bit of court report-

Tasty Poem

If there is bread
I will have bread

If there is wine
Then wine

If there is none
Then I will live

On moonlight
Or sunshine

If there is none
Then I will live

On snowflake
Or on rain

If there is none
Then I will live

On hunger
Thirst and pain

JOHN PAUKER

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ing. After a stint with the organized left Nearing was expelled from the Communist Party in 1930 (for publishing a history of imperialism that went back before 1870, the year in which Lenin had said it began), and then, having acquired a new wife, went off in the early '30s to Vermont and twenty years later to Maine. *The Maple Sugar Book* (NR, May 15, 1971) and *Living the Good Life* (NR, Sept. 5 & 12, 1970), both written with Helen Nearing, have made that part of the story familiar.

Nearing was 16 at the turn of the century; next year he will be 90, but there is no sign in this book of any failing powers. The purity of his life and the strength of his personality no doubt have a great deal to do with his longevity. His uncompromising standards shine through at every turn. And yet one is glad not to have to live with them. I remember reading years ago a doggerel poem that began:

> There was a chap, I forget his name,
> Who burned with a hard and gem-like flame,

and as I followed Nearing's personal, rather than his political development it kept echoing in my head. Consider what his first wife and her children had to put up with: "After protesting at the creeping incursion of lace doilies and cut-glass into our household, I bought myself a wooden bowl, a wooden spoon and a pair of wooden chopsticks. Ever since I have used only these simple utensils for my vegetarian meals. The bowls I am using at the present time are over thirty years old and cost twenty cents each." Scott and Helen Nearing fast on Thanksgiving and Christmas Days, as a protest against the materialistic gluttony of America, and this fact for me is like one of those optical illusions that are now a goblet, now a pair of faces – it seems at one moment a beautiful gesture, at another a futile absurdity. The poem ended, as I remember it:

> So that explains how this poor chap came
> To burn with a hard and gem-like flame,
> And that explains why my old friend Mike
> Laid him out with a marline-spike.

Nearing has obviously survived, but a lot of people must have been tempted; he has just the kind of humorless intensity that so often goes with high ideals. For all I know this may be a completely false impression of the man, but it is what comes through from his book, which contains a certain amount of rather dated whimsy (about degrees from the College of Hard Knocks and other things of the kind) but no humor.

Granted that prophecy is not funny, still the alternative to a saving humor may too easily be a kind of vindictiveness or at any rate indignation, that most useless of sentiments. "It will be a happy day for humanity when the die-hard reactionaries of North America, who are leading the drive against socialism, are brushed aside by an aroused and indignant public which has come to its senses in time to adopt socialism in place of the waste and wickedness of depression, military spending, and war devastation." Of course one agrees with the indictment, it's the solution that is troublesome. Nearing wants "a planet-wide socialist society" based on a vigorous and energetic application of "recent lines of advance in science and technology" to the social sciences – a terrifying prospect. He is blind to the more glaring failures of socialism in power, retaining in spite of his ouster some of the strabismoid perspectives of the Party as well as a good deal of its rhetoric, and his ire is reserved for the American oligarchy.

But he has stayed in America, even though he no longer feels identified with it. Halle, on the other hand, went off to Switzerland in the 1950s after thirteen years in the State Department. This fact is not entirely irrelevant to an appraisal of his book, which contains strictures about the behavior of American academics in the 1960s that are not obviously based on fair evidence. Of course Halle was probably here from time to time and no doubt ran into cases of verbal intolerance, but the examples he cites of the ideological stifling of freedom by intellectuals (one of the themes of the book) suggest that he has a very odd view of tolerance and free speech (a view shared, I notice, by Sidney Hook in a letter to *The New York Times* of January 17 about the tomato-pelting of Senator Humphrey at the science convention in Philadelphia over the holidays). He seems to think that liberty of expression entails everybody's benign acceptance of what is expressed, and so is offended, for example, because when he once tried to put the Anglo-French Suez venture of 1956 in the objective light of economic interests a group of "professional intellectuals" reacted unfavorably. Their indifference to economics seemed to him, and still seems, "deeply irresponsible"; but in both his case and Professor Hook's I note a failure to acknowledge the intellectual's reasonable annoyance at officialdom for being itself intolerant of ideological or moral issues when practical matters head an agenda.

Halle's overt tendency to petulance, especially in regard to Jean-Paul Sartre and to academics with Ph.Ds, combined with a covert tendency to ascribe opinions that conflict with his own to intolerance or malice or feeblemindedness, spoil what is otherwise an informative and thought-provoking book. The early chapters are devoted to an absorbing although not especially profound exposition of the thought of Hobbes, Rousseau and Marx. In the case of Marx (and then Engels and Lenin) Halle occasionally allows the minimal standards of philosophical understanding he maintains elsewhere to slip in favor of sententious oversimplification, a fault of which he correctly accuses Marx himself. Some of his comments, it must be admitted, are perceptive and trenchant. Of Marx's scenario for history, for example, he says "If I say there will be an earthquake tomorrow and, instead, there is a thunderstorm, my prediction is not confirmed by calling the thunderstorm an earthquake"; and he is particularly good in his analysis of the designation "enemies of the people" in its recent uses, *e.g.* in Hungary and Czechoslovakia. But to say that "Marx, Engels, and Lenin, once their minds had been finally formed, assumed without questioning that there was a wicked species called the bourgeoisie and a good one called the proletariat," is surely to belittle the intelligence of men whom, however much we may disagree with them, we are in no position to patronize.

Halle's purpose in this book is to cast light on the intimate association of ideology and democracy in recent history, and to describe "ideological thinking," which he defines *inter alia* as "the kind of thinking native to the common mind." The concept of the common mind is central; he seems to mean by it something like the prevalent opinion, but elevated to a position of metaphysical power in which it becomes responsible for the sheep-like behavior of the intellectuals and the bigotry of the masses. Against the common mind Halle sets the individual mind, responsible only to itself and bearing the burden of freedom. Ideally one might suppose the possession of such a mind by every man to be the condition for a free

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and democratic political order; Halle seems to subscribe to the ideals of democracy, but it is difficult to know how seriously to take his commitment when he clearly believes most men to be stupid and says quite definitely that politics is essentially and inescapably evil.

Halle's individualism is in the end selfish and, as I suggested at the beginning, snobbish. One learns far less from him than from Nearing, and this is because he cares far more about himself. Nearing's is the autobiography, but his book is really about America, and civilization, and mankind; Halle's is the treatise on ideas, but his book is really a parade of his own preoccupations and biases. Halle chooses his epigraph from Hegel: "The thoughts contained in this essay cannot have any other aim or effect upon publication than the understanding of that which is, and thus to promote calmer contemplation as well as the ability to endure it." Contrast this with Nearing's reaction when people asked him to write about himself: "I usually replied that I had a number of more interesting subjects that I wanted to study and put on paper. When I had nothing more important to do I might write an autobiography. Finally, I agreed to write my life story when I reached eighty." Of course the contrast is unfair: casting these works together is a whim of editor and reviewer; both authors have written many other books. Still, things come to hand when they do, in whatever contingent juxtapositions history may contrive, and such *ad hominem* comparisons are legitimate and unavoidable. Nearing's example, even if we cannot follow it, throws fresh though unflattering light on us and our condition, while Halle's analysis is just another troubling of familiar and turbid waters, Hegel to the contrary notwithstanding. Also it is a failure as prophecy; no self-respecting Ninevite would be in the least moved by it, whereas Nearing does provoke incipient feelings of contrition or even repentence. If ten men like Nearing had been found in them, even Sodom and Gomorrah would have been spared.

Peter Caws

NOTES ON CONTRIBUTORS

PETER CAWS *teaches philosophy at Hunter College. Washington poet and translator* JOHN PAUKER *works for USIA.* JOHN SEELYE'S *new book,* The Kid *(Viking), was reviewed in TNR Jan. 22, 1972.* JOSEPH L. SAX *teaches law at the University of Michigan.*

Flaws in Public Citizen No. 1

Water Wasteland, Ralph Nader's Study Group Report on Water Pollution by David Zwick and Marcy Benstock

(Grossman; $5.95)

Water Wasteland is fascinating for what it tells us about the nature of the social critique being developed by the most interesting public figure in American life today. The book itself, one of a series on the federal regulatory agencies, is predictable: fact filled, well written, intolerably self-righteous; crammed with devastating case studies of legislative and bureaucratic failure; drawing indiscriminately upon scientific studies, newspaper reports and anonymous anecdotal evidence; incomplete and puzzlingly selective. It is without doubt a book that belongs on the shelf of anyone at all interested in the problems of water pollution control.

The book seems to reflect Ralph Nader's view of the world, a view at best highly complex, at worst oddly muddled and inconsistent. For example, a great deal of attention is given to enumerating the statutory failures of the federal water pollution law – its limitation to interstate waters, its cumbersome and time-consuming administrative structure, and its built-in loopholes such as the defense of impracticability. The obvious conclusion, for a reader who has come to this point in the book, is an urgent need to tighten the statute.

Yet a few chapters later, the authors come to the now-famous Refuse Act of 1899 which they properly recognize as the conservationists' dream statute – a law that flatly and unequivocally prohibits the discharge of contaminants into the navigable waters of the United States without a permit, and that provides both criminal and civil (cease and desist) sanctions. But this law, as they make clear, was essentially a dead letter for seventy years, and ever since public attention was forcefully directed to its presence two years ago, it has been restrictively administered and little used. So it is hardly to the absence of good laws that our failures in water pollution must be attributed.

What then is it that *Water Wasteland* is trying to tell us? The theme sentence in the book, repeated frequently in one form or another, is that "the greatest barriers to enforcement are really not legal but political, . . . the vast economic and political power of large polluters." The reader must focus attention on the authors' response to this problem, for the one undeniable fact about a Nader report is its confident assumption that useful reform *is* attainable within the broad confines of the present social and political order.

The report's analysis of industrial power plays makes essentially three points: industry strives to weaken laws wherever possible, to assure the appointment of pliant and politically sensitive administrators, and to press those administrators to enforce the laws as little as possible consistent with maintaining a business image of "responsible corporate citizens."

When skillfully used, these three plays have a perfect synergistic effect in maintaining corporate interests. Regulatory officials who are pressed for action by the citizenry can fall back upon the weakness of the laws with which they have to work, thus protecting their flanks. Overzealous and conscientious staff people can be held back by quiet political pressure applied to cooperative high ranking officials. When the people in a given community become outraged, they are told they will have to take their problem to Congress, where their power may be readily sapped by low-visibility lobbying. By the time a bill gets out of Congress, it is usually sufficiently weakened to satisfy industry; administrative officials respond to criticism by asking for time to make the new law work, and the process begins all over again.

To cure this mess, the book basically recommends an anti-buck-passing strategy. Assuming that effective legislation can be enacted or revived, the "essen-

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tial first step" suggested is mandatory law enforcement:

> Pollution control officials must be deprived of the discretion to enforce or not, as they choose. Discretion invites pressure from polluters to see that it is exercised in their favor.

This may seem an appealing solution, and it certainly speaks to the central issue, but it is utterly unworkable and preposterously simplistic.

Let us begin with workability. Assume, for example, that there is a genuine question whether an industry has violated an effluent standard – for violations are by no means always obvious. The company agrees to the agency's proposal for improved treatment upon condition that the agency refrain from seeking penalties. Government officials agree, trading the full potential rigors of the law for the opportunity to obtain a rapid solution. They have used discretion not to enforce the full legal sanctions available. They feel they have done the best they can under the circumstances. Yet Nader thinks they should have been tougher, and he could in many cases be plain wrong. Maybe they have submitted to political pressure; maybe not. Some cases present terrible enforcement difficulties – an electric power plant or a municipal sewage plant cannot be shut down pending compliance with the law. It hardly seems appropriate to put a mayor in jail if he is awaiting long delayed funds from the federal government.

Moreover, what does it mean to say an agency shall have no discretion to avoid enforcement of the law? An agency may conclude that there has been no violation, or it may be using its staff resources fully on what it views as more important problems. Again, it may or may not be correct. The book suggests that public officials who "knowingly acquiesce" in pollution should be treated as criminals for "conscious nonfeasance." The criminal analogy comes up constantly, as does a moral preoccupation with total law enforcement, yet it is a platitude among criminal law experts that if all our laws were enforced there would be far more people in the jails than outside. Indeed, about the only situations of total law enforcement one can find are properly characterized as examples of police harassment – those involving an unpopular individual who is followed and ticketed for every traffic and parking offense, whose house and business are weekly checked for building code violations and whose tax return is yearly scrutinized with exquisite care. The plain fact is that a society cannot operate without extensive discretion in law enforcement.

There is more than a hint of Old Testament retributiveness in a Nader Report.

A secomd theme of Water Wasteland is considerably more attractive: the now almost trite call for increased public participation in environmental decision making and law enforcement. Here the book moves quickly from the mere principle of public participation to a hard-headed recognition that a vigilant public must also be sufficiently well financed to parry corporate interests – with sophisticated technical expertise, skilled attorneys and other professionals. *Water Wasteland* calls for recognition of the right of citizens to sue polluters directly, a proposal that is already before the Congress (S. 1032, introduced by Senators Hart and McGovern) and has been enacted in a few states, including Michigan and Connecticut. It also calls upon government affirmatively to train citizen groups to prepare their own cases, to supply professional guidance and technical expertise and to establish government-funded environmental assistance offices similar to the Office of Economic Opportunity. It then makes what must be viewed as the central contribution of Naderism to promotion of the public interest, the economic arming of the citizenry:

> If the citizen effort is to be a viable countervailing force against polluters, it will ultimately have to be self-sustaining. The people's cause must have money of its own, not only to support lawsuits and purchase technical assistance comparable to that which corporations can buy, but, more important, to wage the long-run political battle for clean water against the well-financed industrial opponent.

Unfortunately this central point is dealt with without sufficient attention to the difficult strategies of money raising. It is merely mentioned that citizens who report or sue polluters themselves should share in any recovery to make such activity self-sustaining. Beyond this, it is suggested, money recovered from polluters should be placed in a trust fund to assist citizen environmental efforts all over the country.

One can only hope that the Nader groups will turn their attention more fully to funding strategies. Plainly a mere share in fines imposed, even if it were permitted, would only touch the problem. Preventive action must also be adequately financed. For example, a utility seeking a license to build a nuclear plant might be required to provide funds sufficient to finance an environmental impact study by citizen challengers. It has been estimated that for a nuclear plant costing several hundred million dollars, an informed challenge can require as much as $100,000.

If environmental trust funds to aid citizen efforts are to be formed, many difficult problems are going to arise. Who is going to distribute the money, and to whom? Political inter-position must be dealt with, and we must confront the fact that the citizenry, like the public interest, is not monolithic.

Lamentably, these problems are *not* dealt with in the book. The unstated assumption seems to be that corporate power is now so disproportionately great that any and every effort to diminish it in the context of environmental controls is worth exploring. Thus the book concludes with little more than a list of power-shifting ideas – more rigorous law enforcement, stiffer penalties, receiverships for recalcitrant polluters, citizen financing, and a group of compensation and unfair labor practice proposals designed to drive a wedge between labor and management in the water pollution area.

This review began by suggesting that the most important thing about books like *Water Wasteland* was the opportunity they provide to probe the nature of Ralph Nader's social critique. The answer is not easily unravelled; the book wavers between belief that a citizenry adequately informed of governmental misconduct will energize itself to demand better laws, and the more radical call for structural reformation that shifts power to citizen-centered, rather than government-centered, law enforcement. It wavers also between a rather simplistic assumption that every regulation in the law books should be mechanically enforced, and a quite sophisticated observation that the problems of pollution control are ultimately political. Its economic posture is shabbily inadequate. The book blandly asserts that "the costs of effective pollution control in most industries would barely show up on the budget sheet" and only a page later admits "that no one has even made a serious attempt to discover . . . the economic consequences" of pollution control.

As interesting as it is, *Water Waste-*

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land is ultimately deeply disappointing, not simply because of its superficial blemishes – the occasional undocumented assertions, inconsistencies, and the irritating tendency always to call a spade a dirty, rotten spade; but for its uncertain and equivocal intellectual framework. If Ralph Nader is speaking to us as concerned citizens who want to do something about environmental quality, he really must be more explicit in spelling out the fundamental jobs to which attention should first be turned. He must also be prepared to answer hard questions about the "economic consequences" of full-scale water pollution control and not to pass off as minor that "the real problem for the immediate future is not depression or recession but dislocation." A man about to be "merely" dislocated from his job is hardly ready to sign up as an avid environmentalist.

In short, we need a general analytical volume from Public Citizen No. 1 himself before this series of books is any further extended.

Joseph L. Sax

Lord Nelson Off Vietnam

The Arnheiter Affair by Neil Sheehan

(Random House; $7.95)

The nut of this book (and *nut* is the right word) first appeared as a memorable *New York Times Magazine* story in 1968. The full-dress version is unfortunately inferior to the newspaper account, which had the virtues of dramatic compression and narrative leanness. The book is garrulous where it should be brief, thin where it should be filled out with background detail. The most interesting part of the "Affair," the incredible reign of Captain Marcus Aurelius Arnheiter aboard the *USS Vance* off the coast of Vietnam, is given here pretty much as it was in the *Times*. What is added is the background of Sheehan's involvement with Arnheiter's story (like many reporters at the time, he first thought that Captain A. had been victimized by the Navy establishment), and the tangled aftermath of the Captain's removal from his command.

Like the *Pueblo* debacle, the Arnheiter affair is definitive, a rather sad but hardly tragic commentary on the obsolescence of conventional warfare and the consequent effects on both the rank and file and the gilt-encrusted bureaucracy in whose care the national defense has been placed. Where the Captain of the *Pueblo* was scored by exponents of old-fashioned warfare for his failure to fight to the last man, the Captain of the *Vance* was at first defended by these same armchair heroes for his forthright boldness in attempting to "engage the enemy." When it became clear that Arnheiter had a psychotic personality, and was indeed unfit for command, the furor quickly subsided, and James Jackson Kilpatrick's guns have been long silent. For a brief moment, it did look as though Arnheiter was a blood-and-guts Captain in Farragut's mold, but Sheehan's account demonstrates that, like Richard the Second (and some others), he loved the pomp of power, but was incapable of handling its responsibilities.

Sheehan is aware of the numerous historical ironies involved in such a grotesque situation, and points out the frequent parallels with Herman Wouk's *Caine Mutiny*. Arnheiter was, clearly, a Queeg, but without "Old Yellowstain's" excuse of Battle Fatigue. Sheehan is also at pains to delineate the complex reactions of the officers and men aboard the *Vance* to their Captain's oppressive presence. The officers, mostly young men right out of Annapolis or college, tried to put up with Arnheiter's erratic and frightening behavior, hoping for the best, rather than take a chance on offending the brass and destroying their careers. The crew, for the most part, stoically endured the Captain's ridiculous pretensions and demands. One man did crack under the strain, and Starbuck-like almost shot *his* Captain A. Another crewman became the Captain's toady, while a number, remarkably, were willing to testify in Arnheiter's behalf, for reasons which Sheehan does not make clear. He does, however, explore at length the complex paradox of Captain Richard G. Alexander's defense of Arnheiter against the Naval establishment. Alexander, a promising officer on the rise, lost the coveted command of a battleship and ruined his career because he interfered on Arnheiter's behalf. Straight arrow that he was, Alexander appreciated Arnheiter's eccentricities, and apparently thought that the higher in power the man went, the more illusory his weirdness would prove, becoming the equivalent of MacArthur's corncob pipe or Patton's pistols – the trappings of military genius.

Arnheiter thought so too. His hero was Lord Nelson, known for his idiosyncratic indifference to orders from above. One irony that Sheehan misses is latent in the name of Arnheiter's executive officer, Lieutenant Ray Hardy. Nelson's last words, "Kiss me, Hardy," were addressed to the captain of the *Victory*, his flagship at Trafalgar. They were followed by, "I have done my duty, thank God for that," always the military man's first and last consideration and consolation, even in defeat. Arnheiter thought so too, and he emerges from Sheehan's account of the affair as a scrambled ego, whose lust for recognition and honor was a grotesque parody of the military spirit. There is an Arnheiter in most Captains (as there is an Arnheiter in most men), but he is kept below decks, like Ahab, raving in his bunk. The most frightening thing about Ahabs and Arnheiters is that the despotism of command afloat allows

"THE LORD KNOWS *I have been among / Conservatives who feel plain stung. / The Navy's almost an antique. / The Army has begun to creak. / With Chiang about to disappear / And welfare marching from the rear, / I held my thumb beside my nose / When faced with Presidential prose. / But now with William Rehnquist in, / I'm managing a tiny grin.*"

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for full, unchecked exercise of power, no matter how arbitrary and fractious. To protest through the chain of command is impossible, to go around it is dangerous. Indeed, as both the *Pueblo* and *Arnheiter* affairs proved, to be involved in any kind of scandal in the military, no matter how virtuous or right-minded the motives, is tantamount to sacrificing one's career.

All, or at least most of these considerations are discussed in Sheehan's book, and yet it is not a very satisfactory narrative, and has the earmarks of having been rather hastily assembled. The concluding section is particularly clumsy, and rambles on and on without clarity or interest about the political and bureaucratic wrangling that followed Arnheiter's removal from command and that ended only with his retirement from the Navy. One imagines that Sheehan's other recent activities, such as his admirable exposé of Mark Lane's sloppy collection of interviews with Vietnam veterans, and his heroic endeavors in editing the Pentagon Papers for publication, seriously interfered with the final preparation of this book. Which is a shame, because haste was not of the essence here. The timeliness of Arnheiter's story is less pertinent than its universality. One wishes that Sheehan had taken more care. Given the main issue of personalities in and under the thumb of power, the grave risk to all of us of unstable types maneuvering about dangerous international waters, one would have welcomed more background material on the various officers involved. Moreover, the issue might have been given more complexity of consideration by thoroughly developing by way of contrast its counterpart, the *Pueblo* affair, if only to demonstrate the damned-if-you-do-and-damned-if-you-don't state of all such affairs in these parlous times.

John Seelye

Correspondence

Reply to Schlesinger

Sirs:

I suppose I do know too little history to be as certain of its might-have-beens as Mr. Schlesinger, or to be willing to predict as much of it. I do believe that a reallocation by law of the war power, redefining the responsibilities of Congress, will affect the behavior of Congress in future circumstances. I believe, in other words, that it is worth trying to affect through institutional arrangements the course of the history Mr. Schlesinger predicts. That is why I suggested – not, so help me, loftily – that no conclusions are to be drawn from passage of the Tonkin Gulf resolution about the actions of a future Congress under the Javits bill.

I can imagine Presidents dealing with the crises Mr. Schlesinger recalls and projects in a way he would disapprove of, and I can imagine Congresses doing so. With or without a Javits bill, there can be no guarantee that Congresses or Presidents will always do what Mr. Schlesinger or I think wise. But if Mr. Schlesinger shares the objective of reclaiming for Congress the war role assigned to it by the Constitution, he ought not resist a statute that would make it impossible for a President to exercise an independent initiative for war, in the Middle East or elsewhere, however worthy his purpose. The Cuban quarantine of 1962 was in my judgment a borderline case. An air strike would not have been.

The answer to Mr. Schlesinger's final question is a question. If we do not trust Congress to act responsibly under the Javits bill, which requires it to act affirmatively one way or the other, why should we suppose that Congress will act responsibly under the Bingham proposal, which permits it to take refuge in noncommittal, non-action?

One more word. Mr. Schlesinger knows how to wound, or at least to try. He knew what pain could be inflicted by the charge that I am untrue to the teachings of Thomas Reed Howell. But he missed. A parade of horribles is something else. What I committed was hyperbole, as Mr. Schlesinger also says. That is fair enough.

Alexander M. Bickel

Nixon Watch

Sirs:

I can't read something like "Toilet Training" (*The Nixon Watch*, Jan. 1-8, 1972), without running the whole gamut of unpleasant emotions, anger, fear, regret, sorrow. The situation to which John Osborne referred is just one of the many instances of evasiveness and deception which are causing me to lose faith. I'd like to think that this frame of mind is just one of the natural hazards of aging. But I can't really believe it. The evidence that lack of faith is becoming a nationwide epidemic is overwhelming. I listen to various optimistic "experts" and I would like to share their optimism, but too often I have seen the wisdom of yesterday's "experts" exposed as today's folly. In the middle-class America where I grew up in the first decades of the century, most people had faith in our society, as I remember it. So did I. I used to think that our country was the answer to civilization's dream, that most of our leaders were primarily concerned with the common good, that propaganda was a dirty underhand trick practiced only by our enemies. I felt that we in this country were something special as regards fairness, honesty, and humanity, that even at war we were . . . pursuing a just cause and acquitting ourselves honorably. That we as a nation would ever be guilty of inhumanity was unthinkable. I was proud to be an American.

I grew up believing in the precept that an evil means was never justified no matter how good the end might be. It appears that the majority of today's political leaders don't operate on this principle. Judged by their actions, they seem convinced that morality must always be subjected to expediency, that truth, like poison, must be kept out of the hands of us mental infants because we are not capable of handling it. It is better for us that the facts be camouflaged by rearranging the semantics of our language or by a generous application of gobbledygook. The credibility gap is becoming an unbridgeable chasm.

Even the Great Depression of the 1930s didn't shatter my old credos. If anything, it strengthened the belief in the brotherhood of man and brought about a greater appreciation of the finer human values. Looking back, I think the turning point was the news about Hiroshima. With no preparation the mind couldn't at first grasp the significance. When the terrible truth finally registered it was followed by a great depression of spirit and a strong foreboding about the future of the human race. The explanation that it was done to save American lives did little to temper the horribleness of the act. My faith in our destiny has been diminishing ever since. And now when I read that Arnold Toynbee, the noted English historian, labels us the only large militaristic nation since World War II, I am ashamed. I am assured by our leaders that it is

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necessary in our holy war against Communism. When did we subscribe to the doctrine that absolutely anything which was anti-Communistic was, if not good, at least acceptable?

The economic system has contributed more than its share to my distrust. They tell me that deception is necessary for economic survival in business because "they all do it." We are supposed to deduce that this universality makes all manner of dishonest practices ethical. Thanks to the constant bombardment of misleading inferences, half-truths, and downright lies, I am getting so I don't trust anybody when there is the faintest smell of profit motive.

The frightening aspect of the situation is that we are becoming conditioned to accept deception by our leaders and institutions as a way of life, a necessary evil with which we have been predestined to live. I see the attitude of the masses toward the abuses of trust becoming increasingly apathetic and fatalistic, certainly due in some part to the feeling of impotency on the part of the individual to remedy the situation. But individuals are inclined to overlook the fact that no society is any better or any worse than the sum total of its members, that we can't expect to personally practice deception and not have it permeate our institutions. It's not just our environment we need to reclaim, it's our faith in each other.

Clarence Powell
Calcium, NY

Lincoln Steffens

Sirs:

In your correspondent Andrew M. Greeley's "Reconsideration" of Lincoln Steffens (Nov. 6, 1971), which has just come to my attention, he seems to me to have asked simultaneously of a human being to have had the insights of 36 years after his death as well as to have been both sophisticated in an unsophisticated age and aware of "urban" difficulties, in the USA, which came with pollution, ecology wounds, new forms of corruption and new social developments.

One thing I can say: Steffens was never cynical. He was maybe "naively" Christian, which meant human or humanist. He believed that what was wrong was not bad people, but bad social systems which made them act "wrong," and it was for that reason and not cussedness, that he believed the big "bad" bosses were not bad but rather fascinating human beings treading the corrupt road because there it lay: as a bank is a temptation to a bank robber.

Mr. Greeley is of course at liberty to have found Steffens unsympathetic but he could not with truth call him either narrow or complacent. Steffens never stopped trying to figure out why business and political ethics differed from personal ethics; he never stopped wondering (as witness "Moses in Red" and his Satan stories, and his many Fables) why human beings act the way they do.

How could he tell what new form some new society would take? Does Mr. Greeley know? Do any of us? Today where socialist and capitalist forms are merging? In so many ways, in so many lands?

Why does Mr. Greeley resent the interviewer's success with his interviewees? To the day of his death Steffens could ask the right questions of the humblest student as well as the J. P. Morgans. Perhaps Mr. Greeley is unaware of the hundreds of students who came to Steffens the last years of his life with questions and puzzlement and how many he helped.

One answer may help Mr. Greeley. One of these students asked him what had happened to the corruption of his day? Had it been cured? "No," said Steffens, "it has gone deeper, that's all."

That's about true of any country, give

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or take a social upheaval, isn't it? But we still are, I hope, humanist enough to hope for a remittance to torture, cruelty, injustice, poverty, inequalities, racism . . . as Steffens always did. All his 70 years.

Ella Winter
London

Mondale

Sirs:

Robert Coles' article "Mondale of Minnesota" (Dec. 25) provides an excellent introduction to the superb Senate record of an extremely intelligent and compassionate man. Not only has the senator been a leader for powerless migratory workers, but he has also shown courage, imagination and great tactical skill in pushing for racial justice in a climate of reaction dominated by a hostile President. Unlike many liberal leaders, Mondale has a sense of timing and an ability to count votes and push legislation through to enactment. Passage of the 1968 fair housing law, which everyone dismissed as hopeless in early 1968 can be largely attributed to strong leadership by Mondale and Sen. Brooke. Senator Mondale has played an extremely important role as head of the Senate Select Committee on Equal Educational Opportunity, keeping the educational and social implications of segregation before a nation whipped up to hysteria over busing. He played the key role in transforming the President's school desegregation bill from an invitation to abuse to a measure requiring real change when it passed the Senate. Mondale has also been effectively concerned with a wide range of urban legislation, ranging from housing, to poverty, to child care among others. He should certainly be considered an important contender for vice president. Some day he could be one of our finest Presidents.

Gary Orfield
Princeton, New Jersey

'72 Campaign

Sirs:

In your lead comment of Jan. 15, 1972, you call upon the presidential candidates to offer promising solutions to our problems, or at least show that they are seriously grappling with them. While the latter is a reasonable expectation, the candidates are sorely handicapped by intellectuals' failure to lead the way. . . . Currently, neither intellectuals nor anyone else seems to know how to make real progress in dealing with our major problems. No one knows how to reduce crime in America. No one has a feasible formula for educating the millions of children who are getting a poor education—a formula that average (meaning mediocre) teachers can use to good effect. No one knows how to appreciably reduce the gap between the average black family income and the average white family income. No one knows how to rehabilitate the ghetto—or enable its residents to escape into more favorable surroundings. Or how to achieve full employment without continuing inflation. Or to rapidly reorganize the American medical system. Or to reduce medical costs. Or to persuade the American people to accept meaningful disarmament risks.

Liberal candidates dare not admit that we are in a sea of calms, waiting for fresh liberal winds to blow. But that is their unhappy dilemma.

Reo M. Christenson
Oxford, Ohio

Kauffmann, *from page 24*

cept of the reliability of language: to question the latter means questioning the former.

All this is descriptive. What of effect? In vitality, the play came and went for me like a radio fading in and out: I was sometimes amused, sometimes amusingly disturbed, sometimes merely waiting for the reversals and discrepancies to get disturbing again. On the way in, the audience passed a sign saying that the play had no intermission and would run an hour and 40 minutes. So I had in mind a time-space for the play to fill before it began. This proved to be a controlling factor; it helped me through the sags by providing a shape that the play otherwise wouldn't have. I don't know any intrinsic reason why Handke's game couldn't have been played for an hour less or more. For me, it was played by the clock rather than by content – more like football, say, than baseball.

The players must be called just that: acting in any traditional sense or in any Grotowskian "matrix" sense does not apply. These people seemed to me to supply the materials they were asked for. Carl Weber, the director, articulated the play (translated by Michael Roloff) with some ingenuity of phrase, physical and verbal. I don't know why the maid was painted like a ballet doll and the others were realistic, but on the other hand I don't know why not.

Sags and all, I was glad of the evening. Which is to say, I think I understood what Handke was after, most of the time I enjoyed the game he was playing with me, and I liked exploring with him the mystery that, of course, he's not able to fathom.

Narrow Road to the Deep North (Beaumont). The Handke was much more rewarding than the "major" production upstairs. Edward Bond is a greatly gifted Englishman, 36, whose other plays that I know, *Saved* and *The Pope's Wedding*, are quintessentially religious works, concerned with the redemption of the lowest and therefore Christian. *Narrow Road* is different: a political parable as trite as the worst of Brecht but without the theatrical dynamics that Brecht, even at his worst, rarely loses. Bond's play has, structurally, a certain literary neatness, but it's a pedestrian narrative, not a drama at all. (And unlike Handke, he *wants* it to be a drama.) In religion he doesn't preach; in politics he does.

The setting is Japan in the "17th or 18th or 19th centuries." This is hell for a director who wants to avoid preciosity, yet can't really root his work in an authentic foreign style. (Something that bedevils productions of Brecht's Chinese plays.) The story is a pat contrast between "pagan" savagery and a military-missionary Western civilization that turns out to be at least equally savage. Dan Sullivan, the director, didn't solve the insoluble matter of style or redeem the play's hollowness or use that unfortunate stage with much grace; but he did devise some telling effects, and he got passable performances from Robert Symonds and Andy Robinson and Cleavon Little, who needs only a developed voice to be a valuable actor. One doesn't look for justice in the arts, but when I saw the drubbing that Sullivan got in reviews and when I thought of the Beaumont productions that have been praised or tolerated by the same reviewers. . . .

The Lincoln Center-City Center dispute that I discussed (Oct. 23, 1971) has been settled – the wrong way, I think. The plan that City Center had prepared, by invitation, aroused so much opposition and so much support for the present regime at Lincoln Center that the City Center people withdrew. (And will carry out their plans else-

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where, as they first intended.) The chance for change, which would have helped the Beaumont's treasury and would have provided the ground for inviting a new artistic director, is gone. The knee-jerk Culture defenders have carried the day. The Beaumont building will remain as is, with huge wasted space; the annual financial crisis will remain as is, if it doesn't worsen; and Jules Irving will remain where he is.

Well, good luck to him and them all. Occasionally something interesting, like the Handke, happens in one of those theaters. The proportion of stimulating work may rise – possibly. What choice does any of us now have, alas, except to wish Irving & Co. well?

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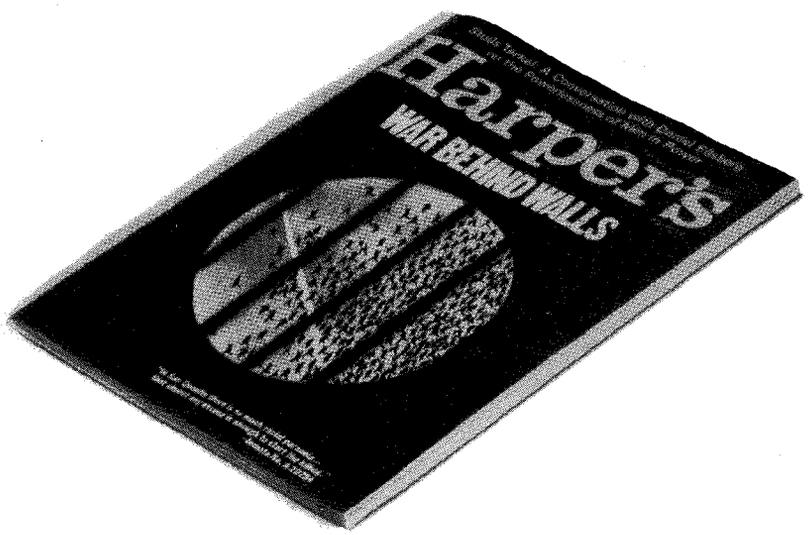

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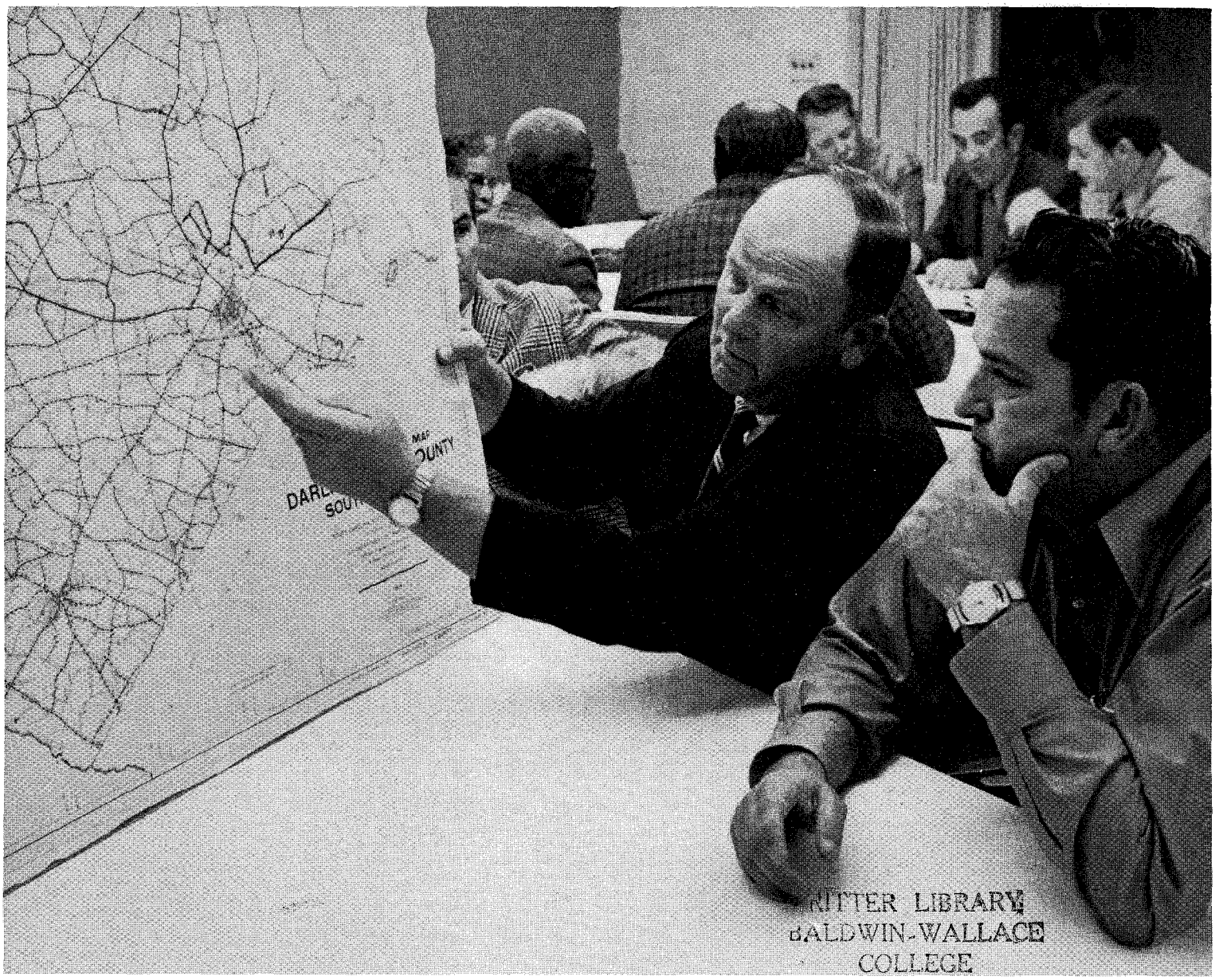

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